

House Bill 47

By: Representative Stephens of the 164th

A BILL TO BE ENTITLED
AN ACT

1 To amend various titles of the Official Code of Georgia Annotated so as to combine the
2 Department of Human Resources and the Department of Community Health into the
3 Department of Health; to make global name changes for the department, commissioner, and
4 board of human resources; to make global name changes for the department, commissioner,
5 and board of community health; to amend delayed Code sections to reflect the revised names;
6 to change provisions for conformity purposes; to establish the Department of Health and
7 provide for transition; to provide for effective dates; to provide for related matters; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

Global name changes for

department, commissioner, and board of human resources

SECTION 1-1.

14 The following Code sections of the Official Code of Georgia Annotated are amended by
15 striking "Department of Human Resources" wherever that term occurs and inserting in its
16 place "Department of Health":

- 17 (1) Code Section 2-7-102, relating to grounds for denial, suspension, revocation, or
18 modification of pesticide licenses, permits, or certifications;
- 19 (2) Code Section 4-4-69, relating to regulation of manufacture and use of disease
20 vectors;
- 21 (3) Code Section 4-10-10, relating to joint regulation by the Department of Agriculture
22 and the Department of Human Resources for dealers in exotic birds and pet birds;
- 23 (4) Code Section 10-1-393, relating to unfair or deceptive practices in consumer
24 transactions that are unlawful;

- 1 (5) Code Section 10-1-855, relating to referral procedures to provide and intervention
2 and assistance;
- 3 (6) Code Section 10-5-4, relating to denial, suspension, or revocation of registration of
4 securities dealer, salesman, investment adviser, or investment adviser representative;
- 5 (7) Code Section 12-2-8, relating to promulgation of minimum standards and procedures
6 for protection of natural resources, environment, and vital areas of state;
- 7 (8) Code Section 12-3-9, relating to adoption and promulgation by Board of Natural
8 Resources of rules and regulations regarding parks, historic sites, and recreational areas;
- 9 (9) Code Section 12-5-175, relating to fluoridation of public water systems;
- 10 (10) Code Section 12-6-49.1, relating to denial or suspension of license of a registered
11 forester for noncompliance with child support order;
- 12 (11) Code Section 12-8-1, relating to notice of denial of individual sewage disposal
13 permits;
- 14 (12) Code Section 15-11-8, relating to expenses charged to the county in juvenile
15 proceedings;
- 16 (13) Code Section 15-11-14, relating to emergency care and supervision of child by the
17 Department of Human Resources;
- 18 (14) Code Section 15-11-15, relating to detainment of child in temporary protective
19 custody of physician;
- 20 (15) Code Section 15-11-19, relating to the establishment of the Council of Juvenile
21 Court Judges;
- 22 (16) Code Section 15-11-55, relating to disposition of deprived child;
- 23 (17) Code Section 15-11-58, relating to reasonable efforts regarding reunification of
24 family;
- 25 (18) Code Section 15-11-63, relating to designated felony acts regarding delinquent and
26 unruly children;
- 27 (19) Code Section 15-11-66.1, relating to disposition of child committing delinquent act
28 constituting AIDS transmitting crime;
- 29 (20) Code Section 15-11-71, relating to supervision fees regarding delinquent and unruly
30 children;
- 31 (21) Code Section 15-11-73, relating to juvenile traffic offenses;
- 32 (22) Code Section 15-11-103, relating to placement of child following termination order;
- 33 (23) Code Section 15-11-149, relating to disposition of mentally ill or mentally retarded
34 child;
- 35 (24) Code Section 15-11-152, relating to ordering evaluation of child's mental condition;

- 1 (25) Code Section 15-11-171, relating to definitions regarding the Child Advocate for
2 the Protection of Children;
- 3 (26) Code Section 15-11A-4, relating to appointment of personnel to the Family Court
4 Division of the Superior Court of Fulton County;
- 5 (27) Code Section 15-18-14, relating to the appointment of district attorneys;
- 6 (28) Code Section 15-21-142, relating to the establishment of the Brain and Spinal Injury
7 Trust Fund Commission;
- 8 (29) Code Section 16-6-13.1, relating to required testing for sexually transmitted
9 diseases;
- 10 (30) Code Section 16-7-83, relating to persons convicted or under indictment for certain
11 offenses;
- 12 (31) Code Section 16-11-129, relating to licenses to carry a pistol or revolver;
- 13 (32) Code Section 16-12-141, relating to when abortion is legal;
- 14 (33) Code Section 16-12-141.1, relating to disposal of aborted fetuses;
- 15 (34) Code Section 17-7-130, relating to proceedings upon plea of mental incompetency
16 to stand trial;
- 17 (35) Code Section 17-7-131, relating to proceedings upon plea of insanity or mental
18 incompetency at time of crime;
- 19 (36) Code Section 17-10-15, relating to AIDS transmitting crimes;
- 20 (37) Code Section 17-18-1, relating to duty of certain officials to offer written statement
21 of information to victims of rape or forcible sodomy;
- 22 (38) Code Section 18-4-131, relating to definitions relative to continuing garnishment
23 for support;
- 24 (39) Code Section 19-3-35.1, relating to AIDS brochures;
- 25 (40) Code Section 19-3-41, relating to a marriage manual;
- 26 (41) Code Section 19-6-15, relating to child support in final verdict or decree, guidelines
27 for determining amount of award, continuation of duty to provide support, and duration
28 of support;
- 29 (42) Code Section 19-6-31, relating to definitions relative to entering income deduction
30 order or medical support notice for award of child support and notice and service of
31 income deduction order;
- 32 (43) Code Section 19-6-33.1, relating to the family support registry;
- 33 (44) Code Section 19-6-51, relating to members, terms, chairperson, other officers,
34 committees, staffing, and funding for the Georgia Child Support Commission;
- 35 (45) Code Section 19-7-5, relating to child abuse reporting;
- 36 (46) Code Section 19-7-6, relating to reporting of juvenile drug use;

- 1 (47) Code Section 19-7-22, relating to petition for legitimation of child;
- 2 (48) Code Section 19-7-40, relating to jurisdiction in determination of paternity
- 3 proceedings;
- 4 (49) Code Section 19-7-43, relating to petitions to establish paternity;
- 5 (50) Code Section 19-7-52, relating to whom child support payments are made;
- 6 (51) Code Section 19-7-54, relating to motions to set aside determination of paternity;
- 7 (52) Code Section 19-8-1, relating to definitions relative to adoption;
- 8 (53) Code Section 19-8-5, relating to surrender or termination of parental or guardian's
- 9 rights where child to be adopted by a third party;
- 10 (54) Code Section 19-8-23, relating to where records of adoption kept, examination by
- 11 parties and attorneys, and use of information by agency and department;
- 12 (55) Code Section 19-8-26, relating to how surrender of parental rights is executed, how
- 13 and when it may be withdrawn, and forms;
- 14 (56) Code Section 19-10A-2, relating to the definition of "medical facility" for purposes
- 15 of the "Safe Place for Newborns Act of 2002";
- 16 (57) Code Section 19-10A-5, relating to investigating and reporting utilization of
- 17 provisions;
- 18 (58) Code Section 19-10A-6, relating to reimbursement of medical costs and placement
- 19 with the Department of Human Resources;
- 20 (59) Code Section 19-11-3, relating to definitions relative to the "Child Support
- 21 Recovery Act";
- 22 (60) Code Section 19-11-9.1, relating to the duty to furnish information about obligor to
- 23 department;
- 24 (61) Code Section 19-11-9.2, relating to duty of employers to report hiring or rehiring
- 25 of persons;
- 26 (62) Code Section 19-11-9.3, relating to suspension or denial of license for
- 27 noncompliance with child support order;
- 28 (63) Code Section 19-11-18, relating to collection procedures for child support
- 29 payments;
- 30 (64) Code Section 19-11-30.1, relating to a computer based registry;
- 31 (65) Code Section 19-11-30.2, relating to definitions and information from financial
- 32 institutions;
- 33 (66) Code Section 19-11-30.3, relating to the responsibility of the Department of Human
- 34 Resources Bank Match Registry;
- 35 (67) Code Section 19-11-58, relating to the Department of Human Resources designated
- 36 as the state information agency;

- 1 (68) Code Section 19-11-102, relating to designated tribunals under the "Uniform
2 Interstate Family Support Act";
- 3 (69) Code Section 19-11-110, relating to jurisdiction relative to establishing, enforcing,
4 or modifying a support order or to determine parentage;
- 5 (70) Code Section 19-11-127, relating to the authority of the district attorney to represent
6 the Department of Human Resources under the "Uniform Interstate Family Support Act";
- 7 (71) Code Section 19-11-129, relating to the state information agency for purposes of the
8 "Uniform Interstate Family Support Act";
- 9 (72) Code Section 19-13-20, relating to definitions relative to family violence shelters;
- 10 (73) Code Section 19-13-32, relating to membership of the State Commission on Family
11 Violence;
- 12 (74) Code Section 19-14-3, relating to the establishment of the State Children's Trust
13 Fund Commission;
- 14 (75) Code Section 19-15-1, relating to definitions relative to child abuse;
- 15 (76) Code Section 19-15-2, relating to child abuse protocol committee;
- 16 (77) Code Section 19-15-3, relating to county multiagency child fatality review
17 committee;
- 18 (78) Code Section 19-15-4, relating to the Georgia Child Fatality Review Panel;
- 19 (79) Code Section 20-1A-60, relating to definitions relative to the Georgia Child Care
20 Council;
- 21 (80) Code Section 20-2-133, relating to free public instruction under the "Quality Basic
22 Education Act";
- 23 (81) Code Section 20-2-142, relating to prescribed public school courses and the
24 development and dissemination of instructional materials on the effect of alcohol;
- 25 (82) Code Section 20-2-143, relating to sex education and AIDS prevention instruction
26 in public schools;
- 27 (83) Code Section 20-2-144, relating to mandatory instruction in public schools
28 concerning alcohol and drug use;
- 29 (84) Code Section 20-2-250, relating to projects to improve effectiveness of programs
30 within a school or school system;
- 31 (85) Code Section 20-2-260, relating to capital outlay funds generally for public schools;
- 32 (86) Code Section 20-2-301, relating to the Coordinating Committee for Exceptional
33 Individuals;
- 34 (87) Code Section 20-2-696, relating to duties of visiting teachers and attendance
35 officers;

- 1 (88) Code Section 20-2-770, relating to rules and regulations for nutritional screening
2 and eye, ear, and dental examinations of students;
- 3 (89) Code Section 20-2-771, relating to immunization of students;
- 4 (90) Code Section 20-2-772, relating to rules and regulations for screening of students for
5 scoliosis;
- 6 (91) Code Section 20-3-476, relating to authorization and administration of loan program
7 for attendance at Colleges of Osteopathic Medicine;
- 8 (92) Code Section 20-3-513, relating to determination of amount by board for medical
9 scholarships;
- 10 (93) Code Section 20-3-660, relating to program of postsecondary education grants
11 created for foster children and adopted children;
- 12 (94) Code Section 24-9-40, relating to when medical information may be released by
13 physician, hospital, health care facility, or pharmacist;
- 14 (95) Code Section 24-9-47, relating to disclosure of AIDS confidential information;
- 15 (96) Code Section 24-9-101, relating to definitions relative to the use of sign language
16 and intermediary interpreter in administrative and judicial proceedings;
- 17 (97) Code Section 25-2-13, relating to buildings presenting special hazards to persons
18 or property due to fire;
- 19 (98) Code Section 25-3-6, relating to the effect of article relative to local fire
20 departments on the powers and duties of other officials and departments;
- 21 (99) Code Section 26-2-371, relating to permits required to operate a food service
22 establishment;
- 23 (100) Code Section 26-2-372, relating to the issuance of permits to operate a food service
24 establishments;
- 25 (101) Code Section 26-2-373, relating to the promulgation of rules, regulations, and
26 standards by the Department of Human Resources and county boards of health relative
27 to food service establishments;
- 28 (102) Code Section 26-2-374, relating to contents and posting of notices relating to
29 assistance to persons choking;
- 30 (103) Code Section 26-2-375, relating to the enforcement of the article regarding food
31 service establishments;
- 32 (104) Code Section 26-2-376, relating to review of final order or determination by
33 Department of Human Resources regarding a food service establishment permit;
- 34 (105) Code Section 26-2-377, relating to penalty for violation of article regarding food
35 service establishments;

- 1 (106) Code Section 26-3-18, relating to assistance in enforcement from Department of
2 Agriculture or Department of Human Resources regarding standards, labeling, and
3 adulteration of drugs and cosmetics;
- 4 (107) Code Section 26-4-5, relating to definitions relative to pharmacists and
5 pharmacies;
- 6 (108) Code Section 26-4-85, relating to patient counseling relative to prescription drug
7 orders;
- 8 (109) Code Section 26-4-116, relating to emergency service providers and contracts with
9 issuing pharmacies;
- 10 (110) Code Section 26-4-172, relating to license requirements generally under the
11 "Nuclear Pharmacy Law";
- 12 (111) Code Section 26-5-3, relating to definitions relative to drug abuse treatment and
13 education programs;
- 14 (112) Code Section 29-4-2, relating to qualifications of guardians selected for adults;
- 15 (113) Code Section 29-4-3, relating to order of preference in selection of guardians;
- 16 (114) Code Section 29-9-10, relating to oath of guardianship by delegate of Department
17 of Human Resources;
- 18 (115) Code Section 29-10-3, relating to qualifications and requirements to be eligible to
19 serve as a public guardian;
- 20 (116) Code Section 29-10-4, relating to registration with the probate court as a public
21 guardian;
- 22 (117) Code Section 29-10-10, relating to compensation of public guardians;
- 23 (118) Code Section 29-10-11, relating to appropriation of funds for compensation of
24 public guardians in certain circumstances;
- 25 (119) Code Section 30-1-5, relating to "hearing impaired person" defined;
- 26 (120) Code Section 30-2-7, relating to compensation of workers in Georgia Industries
27 for the Blind;
- 28 (121) Code Section 30-5-3, relating to definitions relative to the protection of disabled
29 adults and elder persons;
- 30 (122) Code Section 30-5-10, relating to cooperative efforts in development of programs
31 relating to abuse and exploitation of persons 65 years of age or older;
- 32 (123) Code Section 30-8-1, relating to the creation, purpose, members, duties, funding,
33 and expenses of the Governor's Council on Developmental Disabilities;
- 34 (124) Code Section 31-1-1, relating to definitions relative to general health provisions;
- 35 (125) Code Section 31-1-3.2, relating to hearing screenings for newborns;
- 36 (126) Code Section 31-1-8, relating to notice of proposed special health related facility;

- 1 (127) Code Section 31-2-7, relating to standards for sewage management systems;
- 2 (128) Code Section 31-2-9, relating to suicide preventions program and staffing of such
3 program;
- 4 (129) Code Section 31-3-4, relating to the powers of county boards of health;
- 5 (130) Code Section 31-3-11, relating to appointments of director and staff of county
6 boards of health;
- 7 (131) Code Section 31-4-2, relating to the duties of the Council on Maternal and Infant
8 Health;
- 9 (132) Code Section 31-5-1, relating to adoption of rules and regulations by the
10 Department of Human Resources and county boards of health;
- 11 (133) Code Section 31-5-9, relating to injunctions for enjoining violations of the
12 provisions of Title 31;
- 13 (134) Code Section 31-5-20, relating to definitions relative to inspection warrants for the
14 enforcement of certain laws;
- 15 (135) Code Section 31-5-21, relating to persons who may obtain inspection warrants;
- 16 (136) Code Section 31-7-1, relating to definitions relative to the regulation of hospitals
17 and related institutions;
- 18 (137) Code Section 31-7-2.1, relating to rules and regulations, the availability of reports
19 of cited deficiencies, and the disclosure of survey worksheets and documents relative to
20 hospitals and related institutions;
- 21 (138) Code Section 31-7-29, relating to the protection of rights and interests of
22 bondholders of bonds issued by the Georgia Building Authority (Hospital);
- 23 (139) Code Section 31-7-35, relating to fees, rentals, and charges for the use of projects
24 under the Georgia Building Authority (Hospital);
- 25 (140) Code Section 31-7-95, relating to funding of medical education provided by
26 hospital authorities and designated teaching hospitals;
- 27 (141) Code Section 31-7-133, relating to confidentiality of a review organization's
28 records in a peer review;
- 29 (142) Code Section 31-7-172, relating to definitions relative to hospice care;
- 30 (143) Code Section 31-7-175, relating to the administration of the 'Georgia Hospice Law'
31 by the Department of Human Resources;
- 32 (144) Code Section 31-7-300, relating to definitions relative to private home care
33 providers;
- 34 (145) Code Section 31-8-1, relating to the establishment and purpose of the Hospital
35 Care for the Indigent Program;

- 1 (146) Code Section 31-8-36, relating to state appropriations to the Nonresident Indigent
2 Health Care Fund;
- 3 (147) Code Section 31-8-46, relating to the investigation, penalties, and rules and
4 regulations relative to the requirement of hospitals with emergency services to provide
5 care to pregnant women in labor;
- 6 (148) Code Section 31-8-52, relating to the establishment of a long-term care
7 ombudsman program;
- 8 (149) Code Section 31-8-82, relating to reporting of abuse or exploitation of a resident
9 of a long-term care facility;
- 10 (150) Code Section 31-8-116, relating to the involuntary transfer of residents discharged
11 from long-term care facilities;
- 12 (151) Code Section 31-8-193, relating to the establishment of a program to provide
13 health care services to low-income recipients;
- 14 (152) Code Section 31-9A-4, relating to information to be made available by the
15 Department of Human Resources relative to the "Woman's Right to Know Act";
- 16 (153) Code Section 31-10-1, relating to definitions relative to vital records;
- 17 (154) Code Section 31-10-9.1, relating to social security account information of parents;
- 18 (155) Code Section 31-11-1, relating to findings and declaration of policy by the General
19 Assembly relative to emergency medical services;
- 20 (156) Code Section 31-11-3, relating to recommendations by local coordinating entity
21 as to administration of the Emergency Medical Systems Communications Program;
- 22 (157) Code Section 31-11-50, relating to medical advisers for ambulance services;
- 23 (158) Code Section 31-11-81, relating to definitions relative to emergency services;
- 24 (159) Code Section 31-12-1, relating to the power to conduct research and studies
25 relative to the control of hazardous conditions, preventable diseases, and metabolic
26 diseases;
- 27 (160) Code Section 31-12A-9, relating to a public education program under the "Georgia
28 Smokefree Air Act of 2005";
- 29 (161) Code Section 31-12A-10, relating to enforcement by the Department of Human
30 Resources and county boards of health of the "Georgia Smokefree Air Act of 2005";
- 31 (162) Code Section 31-13-3, relating to definitions relative to the "Georgia Radiation
32 Control Act";
- 33 (163) Code Section 31-13-4, relating to the administration of a state-wide radiation
34 control program for radiation generating equipment;
- 35 (164) Code Section 31-13-5, relating to powers and duties of the Department of Human
36 Resources and the Department of Natural Resources with regard to radiation control;

- 1 (165) Code Section 31-13-8.2, relating to licensing of diagnostic and therapeutic medical
2 uses of radioactive materials;
- 3 (166) Code Section 31-13-9, relating to records of use of radiation sources and exposure
4 of employees to radiation;
- 5 (167) Code Section 31-13-10, relating to suspension, revocation, and amendment of
6 license or registration of radiation generating equipment;
- 7 (168) Code Section 31-13-11, relating to impounding and condemnation of radiation
8 generating equipment and radioactive materials;
- 9 (169) Code Section 31-13-12, relating to license required relative to radiation sources;
- 10 (170) Code Section 31-13-13, relating to penalties under the "Georgia Radiation Control
11 Act";
- 12 (171) Code Section 31-13-23, relating to the transfer of powers and duties by the
13 Governor between the Department of Natural Resources and the Department of Human
14 Resources;
- 15 (172) Code Section 31-14-2, relating to petition for commitment relative to
16 hospitalization for tuberculosis;
- 17 (173) Code Section 31-14-9, relating to procedure for securing discharge from
18 hospitalization for tuberculosis;
- 19 (174) Code Section 31-15-2, relating to the establishment of a program for the care and
20 treatment of cancer patients;
- 21 (175) Code Section 31-15-4, relating to a cancer control officer;
- 22 (176) Code Section 31-16-2, relating to the establishment of a program for the care and
23 treatment of chronic renal disease patients;
- 24 (177) Code Section 31-17-2, relating to the report of diagnosis or treatment of venereal
25 disease to health authorities;
- 26 (178) Code Section 31-17-3, relating to the examination and treatment of venereal
27 disease by health authorities;
- 28 (179) Code Section 31-17A-2, relating to the examination of persons infected with HIV
29 and the administration of an HIV test;
- 30 (180) Code Section 31-17A-3, relating to refusal to consent to HIV test;
- 31 (181) Code Section 31-18-3, relating to reporting procedures relative to the registry for
32 traumatic brain and spinal cord injuries;
- 33 (182) Code Section 31-18-4, relating to the duties of the Brain and Spinal Injury Trust
34 Fund Commission;
- 35 (183) Code Section 31-20-1, relating to definitions relative to the performance of
36 sterilization procedures;

- 1 (184) Code Section 31-21-5, relating to incineration or cremation of a dead body or parts
2 thereof;
- 3 (185) Code Section 31-22-2, relating to licenses to operate clinical laboratories;
- 4 (186) Code Section 31-22-9.1, relating to who may perform HIV tests;
- 5 (187) Code Section 31-22-9.2, relating to report of positive results of an HIV test;
- 6 (188) Code Section 31-23-3, relating to hospitals or medical schools which may operate
7 eye banks;
- 8 (189) Code Section 31-24-4, relating to labeling of containers of blood;
- 9 (190) Code Section 31-26-2, relating to the requirement of certificates to practice
10 midwifery;
- 11 (191) Code Section 31-27-2, relating to the permit requirement to hold a mass gathering;
- 12 (192) Code Section 31-28-2, relating to the issuance of permits for tourist courts;
- 13 (193) Code Section 31-28-5, relating to standards for health, sanitation, and safety of
14 tourist courts;
- 15 (194) Code Section 31-28-6, relating to the inspection of premises of tourist courts;
- 16 (195) Code Section 31-30-9, relating to when Chapter 30 of Title 31 will become
17 effective;
- 18 (196) Code Section 31-34-5, relating to service cancelable loans for physicians in rural
19 areas;
- 20 (197) Code Section 31-35-10, relating to definitions relative to bioterrorism protection
21 for emergency responders;
- 22 (198) Code Section 31-40-2, relating to issuance of permits to operate tattoo studios;
- 23 (199) Code Section 31-40-5, relating to rules and regulations relative to tattoo studios;
- 24 (200) Code Section 31-40-6, relating to enforcement of Chapter 40 of Title 31;
- 25 (201) Code Section 31-40-8, relating to a public education program relative to tattoo
26 studios;
- 27 (202) Code Section 31-45-8, relating to inspections of public swimming pools by the
28 county board of health;
- 29 (203) Code Section 31-45-9, relating to the suspension or revocation of a permit for a
30 public swimming pool;
- 31 (204) Code Section 31-45-10, relating to rules and regulations relative to public
32 swimming pools;
- 33 (205) Code Section 33-19-10, relating to the limitation as to hospitals with which
34 corporations are authorized to contract;
- 35 (206) Code Section 33-24-28, relating to termination of insurance coverage of dependent
36 child upon attainment of specified age;

- 1 (207) Code Section 33-24-59.7, relating to insurance coverage for the treatment of
2 morbidly obese patients;
- 3 (208) Code Section 33-29-3.2, relating to individual accident and sickness insurance
4 coverage for mammograms, Pap smears, and prostate specific antigen tests;
- 5 (209) Code Section 33-30-4.2, relating to group accident and sickness insurance
6 coverage for mammograms, Pap smears, and prostate specific antigen tests;
- 7 (210) Code Section 34-8-199, relating to definitions, disclosure, and withholding
8 uncollected overissuance relative to unemployment compensation;
- 9 (211) Code Section 34-9-1, relating to definitions relative to workers' compensation;
- 10 (212) Code Section 34-9-415, relating to conduct of testing for drug-free workplace
11 programs;
- 12 (213) Code Section 35-1-8, relating to the acquisition, collection, classification, and
13 preservation of information assisting in identifying deceased persons and locating missing
14 persons;
- 15 (214) Code Section 36-42-3, relating to definitions relative to downtown development
16 authorities;
- 17 (215) Code Section 36-62-2, relating to definitions relative to development authorities;
- 18 (216) Code Section 37-1-1, relating to definitions relative to general provisions of mental
19 health;
- 20 (217) Code Section 37-1-20, relating to the Division of Mental Health, Developmental
21 Disabilities, and Addictive Diseases;
- 22 (218) Code Section 37-1-90, relating to injunctions for the purpose of enjoining
23 violations of the provisions of Title 37;
- 24 (219) Code Section 37-2-2, relating to definitions relative to the administration of mental
25 health, developmental disabilities, addictive diseases, and other disability services;
- 26 (220) Code Section 37-2-2.1, relating to the creation of the Division of Mental Health,
27 Developmental Disabilities, and Addictive Diseases;
- 28 (221) Code Section 37-2-11.2, relating to access by the Department of Human Resources
29 or regional office to records of any program receiving public funds;
- 30 (222) Code Section 37-3-146, relating to education of children undergoing treatment in
31 a facility for mental illness;
- 32 (223) Code Section 37-3-150, relating to the right of patients to appeal orders of the
33 probate court relating to treatment for mental illness;
- 34 (224) Code Section 37-4-2, relating to definitions relative to the habilitation of the
35 mentally retarded generally;

- 1 (225) Code Section 37-4-4, relating to coordination of training programs for the mentally
2 retarded;
- 3 (226) Code Section 37-4-110, relating to appeal rights of clients, their representatives,
4 or attorneys relative to habilitation of the mentally retarded;
- 5 (227) Code Section 37-5-4, relating to applicability of Chapter 5 of Title 37;
- 6 (228) Code Section 37-5-7, relating to the duty of the Department of Human Resources
7 to provide consulting and financial assistance to county boards of health;
- 8 (229) Code Section 37-7-3, relating to coordination of a state drug and alcohol abuse
9 program;
- 10 (230) Code Section 37-7-146, relating to education of children undergoing treatment in
11 a treatment facility for alcoholics, drug dependent individuals, and drug abusers;
- 12 (231) Code Section 37-7-150, relating to the right of patients to appeal orders of the
13 probate court relating to treatment for alcoholics, drug dependent individuals, and drug
14 abusers;
- 15 (232) Code Section 37-10-2, relating to the Interstate Compact on Mental Health;
- 16 (233) Code Section 38-3-22, relating to the Governor's emergency management powers
17 and duties;
- 18 (234) Code Section 38-3-51, relating to emergency powers of the Governor;
- 19 (235) Code Section 39-4-1, relating to the definition of "appropriate public authority"
20 relative to the Interstate Compact on the Placement of Children;
- 21 (236) Code Section 39-4-2, relating to the definition of "appropriate authority in the
22 receiving state" relative to the Interstate Compact on the Placement of Children;
- 23 (237) Code Section 40-2-86.21, relating to special license plates promoting certain
24 beneficial projects and supporting certain worthy agencies, funds, or nonprofit
25 corporations;
- 26 (238) Code Section 40-5-2, relating to keeping of records of applications for drivers'
27 licenses and information on licensees;
- 28 (239) Code Section 40-5-25, relating to application fees for instruction permits and
29 drivers' licenses;
- 30 (240) Code Section 40-5-54.1, relating to the denial or suspension of a driver's license
31 for noncompliance with a child support order;
- 32 (241) Code Section 40-5-64, relating to limited driving permits for certain offenders;
- 33 (242) Code Section 40-5-82, relating to administration of the Driver Improvement
34 Program;
- 35 (243) Code Section 40-6-392, relating to chemical tests for alcohol or drugs in blood;

- 1 (244) Code Section 42-1-7, relating to notification to transporting law enforcement
2 agency of inmate's or patient's infectious or communicable disease;
- 3 (245) Code Section 42-1-12, relating to the State Sexual Offender Registry;
- 4 (246) Code Section 42-1-13, relating to the Sexual Offender Registration Review Board;
- 5 (247) Code Section 42-4-6, relating to confinement and care of tubercular inmates;
- 6 (248) Code Section 42-4-32, relating to sanitation and health requirements for jails
7 generally;
- 8 (249) Code Section 42-5-52, relating to classification and separation of inmates
9 generally;
- 10 (250) Code Section 42-5-52.1, relating to submission to HIV test by inmates;
- 11 (251) Code Section 42-8-35.3, relating to conditions of probation for stalking or
12 aggravated stalking;
- 13 (252) Code Section 42-9-41, relating to the duty of the State Board of Pardons and
14 Paroles to obtain and place in records information respecting persons subject to relief or
15 placed on probation;
- 16 (253) Code Section 42-9-58, relating to the effect of Chapter 9 of Title 42 on other laws
17 respecting parole and probation;
- 18 (254) Code Section 43-1-19, relating to grounds for refusing to grant or for revoking
19 professional licenses;
- 20 (255) Code Section 43-10-6, relating to rules and regulations as to sanitary requirements
21 for cosmetologists;
- 22 (256) Code Section 43-10A-7, relating to licensing requirements to practice professional
23 counseling, social work, or marriage and family therapy;
- 24 (257) Code Section 43-11-74, relating to direct supervision of dental hygienists required;
- 25 (258) Code Section 43-12A-5, relating to provider of ignition interlock devices not to
26 operate under any name deceptively similar to another business;
- 27 (259) Code Section 43-14-2, relating to definitions relative to electrical contractors,
28 plumbers, conditioned air contractors, low-voltage contractors, and utility contractors;
- 29 (260) Code Section 43-18-1, relating to definitions relative to funeral directors and
30 establishments, embalmers, and crematories;
- 31 (261) Code Section 43-18-46, relating to grounds for denial or revocation of license or
32 registration relative to funeral directors and establishments, embalmers, and crematories;
- 33 (262) Code Section 43-26-51, relating to the purpose of Article 3 of Chapter 26 of Title
34 43;
- 35 (263) Code Section 43-26-52, relating to definitions relative to qualified medication
36 aides;

- 1 (264) Code Section 43-27-1, relating to definitions relative to nursing home
2 administrators;
- 3 (265) Code Section 43-34-26.1, relating to delegation of authority to nurse or physician's
4 assistant;
- 5 (266) Code Section 43-34-26.3, relating to delegation of certain medical acts to advanced
6 practice registered nurses;
- 7 (267) Code Section 43-34-103, relating to application for physician's assistant, number
8 of assistants, new job description, and other related matters;
- 9 (268) Code Section 44-5-150, relating to the duties of the Advisory Board on Anatomical
10 Gift Procurement;
- 11 (269) Code Section 44-5-151, relating to HIV test of body part or donor;
- 12 (270) Code Section 44-14-470, relating to lien on causes of action accruing to injured
13 person for costs of care and treatment of injuries arising out of such causes of action;
- 14 (271) Code Section 45-9-1, relating to general provisions relative to insuring and
15 indemnification of state officers and employees;
- 16 (272) Code Section 45-9-4, relating to the commissioner of administrative services to
17 purchase insurance or indemnity contracts;
- 18 (273) Code Section 45-9-4.2, relating to liability coverage for nonprofit agencies
19 providing services to the mentally retarded;
- 20 (274) Code Section 45-9-40.1, relating to provision of automobile liability coverage to
21 community service boards to protect them from liability for damages arising from
22 operation of state vehicles;
- 23 (275) Code Section 45-9-42, relating to persons authorized by nonprofit agencies to
24 operate vehicles;
- 25 (276) Code Section 45-13-22, relating to distribution of Georgia Laws and journals of
26 the House and Senate;
- 27 (277) Code Section 45-18-1, relating to definitions relative to the state employees' health
28 insurance plan;
- 29 (278) Code Section 45-18-5.2, relating to sheltered employment center employees
30 relative to the state employees' health insurance plan;
- 31 (279) Code Section 45-18-32, relating to the administration of deferred compensation
32 plans for the employees of this state;
- 33 (280) Code Section 45-20-2, relating to definitions relative to the merit system generally;
- 34 (281) Code Section 45-20-17, relating to interdepartmental transfers under the merit
35 system generally;

- 1 (282) Code Section 46-1-5, relating to duties of the Department of Human Resources
2 with regard to assistance to low or fixed income consumers of gas and electric service;
- 3 (283) Code Section 46-4-152, relating to definitions relative to the "Natural Gas
4 Competition and Deregulation Act";
- 5 (284) Code Section 46-4-158.3, relating to adequate and accurate consumer information
6 disclosure statements regarding natural gas services;
- 7 (285) Code Section 46-11-4, relating to the regulation of transportation of hazardous
8 materials on public roads of the state generally;
- 9 (286) Code Section 47-2-297, relating to employees of county boards or departments of
10 health in counties having population of 550,000 or more;
- 11 (287) Code Section 47-11-50, relating to payment to fund of a portion of fees collected
12 in connection with marriage licenses;
- 13 (288) Code Section 48-7-161, relating to definitions relative to setoff debt collection for
14 debtors of the state;
- 15 (289) Code Section 49-1-1, relating to definitions relative to general provisions regarding
16 social services;
- 17 (290) Code Section 49-1-2, relating to compliance of county departments with rules and
18 regulations of the Department of Human Resources;
- 19 (291) Code Section 49-1-3, relating to the power of the Governor to reorganize state and
20 local health and welfare organizations;
- 21 (292) Code Section 49-2-12, relating to the development and revision of a transportation
22 plan for programs of the Department of Human Resources;
- 23 (293) Code Section 49-2-15, relating to service of notice against the Department of
24 Human Resources;
- 25 (294) Code Section 49-2-16, relating to the Council for Welfare Administration;
- 26 (295) Code Section 49-3-1, relating to the establishment of county and district
27 departments, boards, and directors of family and children services;
- 28 (296) Code Section 49-3-3, relating to the appointment of a county director at each
29 county board of family and children services;
- 30 (297) Code Section 49-3-4, relating to appointment of staff for county boards of family
31 and children services;
- 32 (298) Code Section 49-3-6, relating to the functions of county departments of family and
33 children services;
- 34 (299) Code Section 49-4-2, relating to definitions relative to the "Georgia Public
35 Assistance Act of 1965";

- 1 (300) Code Section 49-4-3, relating to the establishment of categories of public
2 assistance;
- 3 (301) Code Section 49-4-8, relating to applications for public old-age assistance;
- 4 (302) Code Section 49-4-9, relating to investigation and record concerning applicant for
5 public assistance;
- 6 (303) Code Section 49-4-14, relating to regulations as to records of the Department of
7 Human Resources relating to public assistance;
- 8 (304) Code Section 49-4-36, relating to payment of public old-age assistance after
9 recipient moves to another county;
- 10 (305) Code Section 49-4-54, relating to the duties of county departments under the "Aid
11 to the Blind Act";
- 12 (306) Code Section 49-4-56, relating to reexamination of recipient's eyesight when
13 required by the Department of Human Resources;
- 14 (307) Code Section 49-4-60, relating to payment of assistance relative to aid to the blind
15 after a recipient moves to another county;
- 16 (308) Code Section 49-4-85, relating to payment of assistance relative to aid to the
17 disabled after a recipient moves to another county;
- 18 (309) Code Section 49-4-152.3, relating to reuse of unit dosage drugs;
- 19 (310) Code Section 49-4-153, relating to administrative hearings and appeals under
20 Medicaid;
- 21 (311) Code Section 49-4-171, relating to hearings on petitions filed by county or district
22 directors of family and children services;
- 23 (312) Code Section 49-4-181, relating to definitions relative to the "Temporary
24 Assistance for Needy Families Act";
- 25 (313) Code Section 49-4-190, relating to the construction of the "Temporary Assistance
26 for Needy Families Act";
- 27 (314) Code Section 49-4A-9, relating to sentencing of youthful offenders;
- 28 (315) Code Section 49-5-4, relating to other state departments, agencies, officers, and
29 employees to assist the Department of Human Resources;
- 30 (316) Code Section 49-5-7, relating to development and administration of public child
31 welfare and youth services;
- 32 (317) Code Section 49-5-8, relating to powers and duties of the Department of Human
33 Resources relative to children and youth services;
- 34 (318) Code Section 49-5-41, relating to persons and agencies permitted access to records
35 concerning reports of child abuse;

- 1 (319) Code Section 49-5-41.1, relating to inspection and retention of records of juvenile
2 drug use;
- 3 (320) Code Section 49-5-90, relating to definitions relative to the emergency protection
4 of children in certain institutions;
- 5 (321) Code Section 49-5-130, relating to legislative intent relative to programs and
6 protection for children;
- 7 (322) Code Section 49-5-154, relating to a study of youth needs;
- 8 (323) Code Section 49-5-180, relating to definitions relative to the central child abuse
9 registry;
- 10 (324) Code Section 49-5-220, relating to legislative findings and intent relative to
11 children and adolescents with severe emotional problems;
- 12 (325) Code Section 49-5-221, relating to definitions relative to children and adolescents
13 with severe emotional problems;
- 14 (326) Code Section 49-5-223, relating to the contents of the State Plan for the
15 Coordinated System of Care;
- 16 (327) Code Section 49-5-224, relating to an annual report submitted by the commissioner
17 of human resources;
- 18 (328) Code Section 49-5-225, relating to local interagency committees relative to
19 children and adolescents with severe emotional problems;
- 20 (329) Code Section 49-5-227, relating to the Children and Youth Coordinating Council
21 to comment on plan for Coordinated System of Care and provide recommendations;
- 22 (330) Code Section 49-2-281, relating to the bill of rights for foster parents;
- 23 (331) Code Section 49-6-20, relating to the creation of the Council on Aging;
- 24 (332) Code Section 49-6-60, relating to the legislative intent relative to community care
25 and services for the elderly;
- 26 (333) Code Section 49-6-61, relating to definitions relative to community care and
27 services for the elderly;
- 28 (334) Code Section 49-6-72, relating to definitions relative to the "Georgia Family
29 Caregiver Support Act";
- 30 (335) Code Section 50-5-136, relating to powers and authority of the State Use Council;
- 31 (336) Code Section 50-13-4, relating to procedural requirements for adoption,
32 amendment, or repeal of rules by a state agency;
- 33 (337) Code Section 50-16-3, relating to property of state boards and departments;
- 34 (338) Code Section 50-18-72, relating to when public disclosure of records of a public
35 entity is not required;

- 1 (339) Code Section 50-18-76, relating to written matter that is exempt from disclosure
 2 under Code Section 31-10-25;
- 3 (340) Code Section 50-26-4, relating to definitions relative to the "Georgia Housing and
 4 Finance Authority Act";
- 5 (341) Code Section 50-27-24, relating to lottery prize proceeds that are subject to state
 6 income tax;
- 7 (342) Code Section 50-27-55, relating to the applicability of Article 2 of Chapter 27 of
 8 Title 50 to lottery prizes of \$5,000.00 or more;
- 9 (343) Code Section 51-2-5.1, relating to the relationship between a hospital and health
 10 care provider prerequisite to liability for imputable negligence; and
- 11 (344) Code Section 52-7-14, relating to collisions, accidents, and casualties relative to
 12 watercraft.

13 **SECTION 1-2.**

14 The following Code sections of the Official Code of Georgia Annotated are amended by
 15 striking "commissioner of human resources" wherever that term occurs and inserting in its
 16 place "commissioner of health":

- 17 (1) Code Section 8-2-24, relating to the appointment of an advisory committee relative
 18 to licensing of certain trades, professions, and businesses;
- 19 (2) Code Section 12-5-524, relating to the creation of the Water Council;
- 20 (3) Code Section 16-12-141, relating to when abortion is legal;
- 21 (4) Code Section 16-12-141.1, relating to disposal of aborted fetuses;
- 22 (5) Code Section 19-8-16, relating to investigations by child-placing agency or other
 23 agent relative to adoptions;
- 24 (6) Code Section 19-8-23, relating to where adoption records are kept;
- 25 (7) Code Section 19-11-9, relating to location of absent parents by the Department of
 26 Human Resources;
- 27 (8) Code Section 19-11-11, relating to issuance of subpoenas by the Department of
 28 Human Resources relative to enforcement of child support duty;
- 29 (9) Code Section 19-11-18, relating to collection procedures relative to child support
 30 orders;
- 31 (10) Code Section 19-11-30.6, relating to reciprocal agreements with other states relative
 32 to child support orders;
- 33 (11) Code Section 19-11-30.7, relating to construction of certain Code sections relative
 34 to child support orders;

- 1 (12) Code Section 19-11-30.8, relating to annual reports to the General Assembly
2 relative to child support orders;
- 3 (13) Code Section 19-11-30.9, relating to information subject to disclosure relative to
4 child support orders;
- 5 (14) Code Section 19-11-30.11, relating to fee on levied accounts relative to child
6 support orders;
- 7 (15) Code Section 20-1A-61, relating to the Child Care Council and its members, length
8 of terms, appointments, and removal of members;
- 9 (16) Code Section 21-2-231, relating to lists of persons convicted of felonies, persons
10 declared mentally incompetent, and deceased persons provided to the Secretary of State;
- 11 (17) Code Section 26-2-393, relating to enforcement of Article 14 of Chapter 2 of Title
12 26;
- 13 (18) Code Section 28-5-60, relating to the creation, membership, and representation of
14 members by deputies or other designated employees of the Claims Advisory Board;
- 15 (19) Code Section 30-2-7, relating to compensation of workers relative to the Georgia
16 Industries for the Blind;
- 17 (20) Code Section 31-1-1, relating to definitions relative to general health provisions;
- 18 (21) Code Section 31-7-176.1, relating to determination or pronouncement of death of
19 a patient in hospice care;
- 20 (22) Code Section 31-8-32, relating to determination of indigency for purposes of
21 hospital care for nonresident indigents;
- 22 (23) Code Section 31-8-43, relating to determination of indigency for purposes of
23 hospital care for pregnant women;
- 24 (24) Code Section 31-8-53, relating to duties of the state ombudsman under the
25 long-term care ombudsman program;
- 26 (25) Code Section 31-9A-2, relating to definitions relative to the "Woman's Right to
27 Know Act";
- 28 (26) Code Section 31-10-1, relating to definitions relative to vital records;
- 29 (27) Code Section 31-11-2, relating to definitions relative to emergency medical
30 services;
- 31 (28) Code Section 31-11-36, relating to suspension or revocation of licenses to operate
32 ambulance services;
- 33 (29) Code Section 31-16-3, relating to the functions of the Kidney Disease Advisory
34 Committee;
- 35 (30) Code Section 31-21-5, relating to incineration or cremation of dead body or parts
36 thereof;

- 1 (31) Code Section 31-27-7, relating to emergency powers of the Governor relative to
- 2 control of mass gatherings;
- 3 (32) Code Section 31-35-10, relating to definitions relative to bioterrorism protection for
- 4 emergency responders;
- 5 (33) Code Section 31-36A-7, relating to petitions for order by a health care facility for
- 6 transfer, admission, or discharge;
- 7 (34) Code Section 33-20B-3.1, relating to health maintenance organizations' expansion
- 8 into rural areas under the "Essential Rural Health Care Provider Access Act";
- 9 (35) Code Section 33-21-3, relating to grounds and procedure for issuance or denial of
- 10 certificate of authority for health maintenance organizations;
- 11 (36) Code Section 33-21-5, relating to suspension or revocation of certificate of authority
- 12 for health maintenance organizations;
- 13 (37) Code Section 33-21-15, relating to filing of annual reports by health maintenance
- 14 organizations;
- 15 (38) Code Section 33-21-17, relating to examinations of health maintenance
- 16 organizations and their providers;
- 17 (39) Code Section 33-21-18, relating to adoption of rules and regulations generally
- 18 relative to health maintenance organizations;
- 19 (40) Code Section 33-21-20, relating to conduct of hearings generally relative to health
- 20 maintenance organizations;
- 21 (41) Code Section 33-21-21, relating to the authority of the commissioner of human
- 22 resources to contract for making of recommendations required by Chapter 21 of Title 31;
- 23 (42) Code Section 33-21-27, relating to the enforcement of Chapter 21 of Title 31;
- 24 (43) Code Section 37-1-1, relating to definitions relative to general provisions regarding
- 25 mental health;
- 26 (44) Code Section 37-10-2, relating to the Interstate Compact on Mental Health;
- 27 (45) Code Section 38-2-10, relating to use of the National Guard in drug law
- 28 enforcement, provision of medical care in medically underserved areas, and for youth
- 29 opportunity training programs;
- 30 (46) Code Section 42-4-32, relating to sanitation and health requirements generally in
- 31 jails;
- 32 (47) Code Section 42-9-12, relating to appointment of replacement of incapacitated
- 33 member of the State Board of Pardons and Paroles;
- 34 (48) Code Section 43-1A-4, relating to the Georgia Occupational Regulation Review
- 35 Council;

- 1 (49) Code Section 43-45-3, relating to the creation of the State Structural Pest Control
- 2 Commission;
- 3 (50) Code Section 45-7-7, relating to compensation and allowances of certain state
- 4 officials not to be changed without giving public notice;
- 5 (51) Code Section 45-9-4, relating to the commissioner of administrative services
- 6 purchasing insurance or indemnity contracts;
- 7 (52) Code Section 45-9-73, relating to the creation of the Georgia Public School
- 8 Personnel Indemnification Commission;
- 9 (53) Code Section 45-9-83, relating to the creation of the Georgia State Indemnification
- 10 Commission;
- 11 (54) Code Section 45-9-110, relating to authorization for consolidation of unemployment
- 12 compensation claim matters under the commissioner of administrative services;
- 13 (55) Code Section 45-20-90, relating to definitions relative to random drug testing of
- 14 employees in high-risk jobs;
- 15 (56) Code Section 49-1-1, relating to definitions relative to general provisions regarding
- 16 social services;
- 17 (57) Code Section 49-2-15, relating to service of notice against the Department of
- 18 Human Resources;
- 19 (58) Code Section 49-3-3, relating to appointment of a county director for each county
- 20 board of family and children services;
- 21 (59) Code Section 49-3-4, relating to appointment of staff for each county board of
- 22 family and children services;
- 23 (60) Code Section 49-4-2, relating to definitions relative to the "Georgia Public
- 24 Assistance Act of 1965";
- 25 (61) Code Section 49-4-15.1, relating to examination of financial records in instances of
- 26 alleged fraud by recipients of food stamps and public assistance;
- 27 (62) Code Section 49-4A3, relating to the creation of the Department of Juvenile Justice;
- 28 (63) Code Section 49-5-90, relating to definitions relative to emergency protection of
- 29 children in certain institutions;
- 30 (64) Code Section 49-5-224, relating to the submission of an annual report by the
- 31 commissioner of human resources;
- 32 (65) Code Section 49-8-3, relating to definitions relative to "The Economic
- 33 Rehabilitation Act of 1975";
- 34 (66) Code Section 49-8-4, relating to the administration of "The Economic Rehabilitation
- 35 Act of 1975"; and
- 36 (67) Code Section 50-5-135, relating to the creation of the State Use Council.

SECTION 1-3.

The following Code sections of the Official Code of Georgia Annotated are amended by striking "Board of Human Resources" wherever that term occurs and inserting in its place "Board of Health":

- (1) Code Section 9-10-152, relating to continuances for attendance at a meeting of the Board of Human Resources with regard to civil practice and procedure;
- (2) Code Section 17-8-30, relating to grounds for granting continuances for attendance at a meeting of the Board of Human Resources for criminal trials;
- (3) Code Section 19-11-5, relating to debt to state created by payment of public assistance under the "Child Support Recovery Act";
- (4) Code Section 19-15-4, relating to the Georgia Child Fatality Review Panel;
- (5) Code Section 30-5-6, relating to cooperation of other public agencies with the director of the county department of family and children services;
- (6) Code Section 31-1-1, relating to definitions relative to general health provisions;
- (7) Code Section 31-2-4, relating to rules and regulations of the Department of Human Resources;
- (8) Code Section 31-4-2, relating to duties of the Council on Maternal and Infant Health;
- (9) Code Section 31-7-304, relating to fees established by the Board of Human Resources relative to health care facilities;
- (10) Code Section 31-11-2, relating to definitions relative to emergency medical services;
- (11) Code Section 31-11-3, relating to recommendations by local coordinating entity as to the administration of the Emergency Medical Systems Communications Program;
- (12) Code Section 31-11-31.1, relating to license fees for ambulance services;
- (13) Code Section 31-12-14, relating to a program fund for breast cancer, prostate cancer, and ovarian cancer research;
- (14) Code Section 31-22-1, relating to definitions relative to clinical laboratories;
- (15) Code Section 37-1-1, relating to definitions relative to general provisions regarding mental health;
- (16) Code Section 37-1-40, relating to rules and regulations of the Board of Human Resources;
- (17) Code Section 42-9-12, relating to appointment of replacement of incapacitated member of the State Board of Pardons and Paroles;
- (18) Code Section 43-7-9, relating to general powers and duties of the State Board of Barbers;
- (19) Code Section 44-5-143, relating to adult decedents with respect to anatomical gifts;

- 1 (20) Code Section 44-5-143.1, relating to minor decedents with respect to anatomical
 2 gifts;
- 3 (21) Code Section 45-10-40, relating to when contracting with state institutions is not
 4 allowed;
- 5 (22) Code Section 45-10-41, relating to penalties for profiting from contracts with state
 6 institutions which are not allowed;
- 7 (23) Code Section 49-1-1, relating to definitions relative to general provisions regarding
 8 social services;
- 9 (24) Code Section 49-1-4, relating to when sales by administrators to institutions are
 10 prohibited;
- 11 (25) Code Section 49-1-9, relating to a fund for home delivered meals, transportation,
 12 services for the elderly, and preschool children with special needs;
- 13 (26) Code Section 49-2-15, relating to service of notice against the Department of
 14 Human Resources;
- 15 (27) Code Section 49-4-11, relating to the award and payment of public assistance;
- 16 (28) Code Section 49-4-12, relating to periodic redetermination of an award of public
 17 assistance;
- 18 (29) Code Section 49-4-54, relating to duties of county departments of family and
 19 children services under Article 3 of Chapter 4 of Title 49;
- 20 (30) Code Section 49-4-181, relating to definitions relative to the "Temporary Assistance
 21 for Needy Families Act"; and
- 22 (31) Code Section 49-5-12, relating to licensing and inspection of child welfare agencies.

23 **PART II**

24 **Global name changes for**

25 **department, commissioner, and board of community health**

26 **SECTION 2-1.**

27 The following Code sections of the Official Code of Georgia Annotated are amended by
 28 striking "Department of Community Health" wherever that term occurs and inserting in its
 29 place "Department of Health":

- 30 (1) Code Section 9-2-21, relating to parties to actions for torts;
- 31 (2) Code Section 20-3-511, relating to employment of staff and director to fulfill
 32 functions of the State Medical Education Board;
- 33 (3) Code Section 20-3-516, relating to funds for loans or scholarships provided by the
 34 State Medical Education Board;

- 1 (4) Code Section 26-4-115.1, relating to the requirement that certain wholesale
- 2 distributors of controlled substances and dangerous drugs provide price and quantity
- 3 information;
- 4 (5) Code Section 26-4-118, relating to "The Pharmacy Audit Bill of Rights";
- 5 (6) Code Section 31-7-75, relating to functions and powers of hospital authorities;
- 6 (7) Code Section 31-7-94, relating to grants to hospital authorities;
- 7 (8) Code Section 31-7-95, relating to funding of medical education provided by hospital
- 8 authorities designated as teaching hospitals;
- 9 (9) Code Section 31-8-106, relating to information to be provided to residents upon
- 10 admission into a long-term care facility;
- 11 (10) Code Section 31-16-7, relating to the reuse of a kidney dialyzer;
- 12 (11) Code Section 31-34-8, relating to funding under the "Physicians for Rural Areas
- 13 Assistance Act";
- 14 (12) Code Section 31-43-3, relating to the creation of the Commission on Men's Health;
- 15 (13) Code Section 33-21-29, relating to point-of-service option for persons offered health
- 16 care coverage through a health maintenance organization;
- 17 (14) Code Section 33-24-56.1, relating to reimbursement of medical expense or disability
- 18 benefit providers in personal injury cases;
- 19 (15) Code Section 40-2-86.8, relating to special license plates supporting breast cancer
- 20 related programs for the medically indigent;
- 21 (16) Code Section 40-2-86.21, relating to special license plates promoting certain
- 22 beneficial projects and supporting certain worthy agencies, funds, or nonprofit
- 23 corporations;
- 24 (17) Code Section 42-5-2, relating to responsibilities of governmental unit with custody
- 25 of inmate generally;
- 26 (18) Code Section 42-5-54, relating to information from inmates relating to medical
- 27 insurance;
- 28 (19) Code Section 43-1-30, relating to the collection of work force and demographic
- 29 data;
- 30 (20) Code Section 43-1B-6, relating to entities excepted from prohibitions as to financing
- 31 and referrals;
- 32 (21) Code Section 43-34-24.1, relating to the Composite State Board of Medical
- 33 Examiners as an independent agency;
- 34 (22) Code Section 43-34-27, relating to the license requirement for persons engaged in
- 35 the practice of medicine;

- 1 (23) Code Section 45-18-15, relating to rules and regulations for administration of
- 2 Article 1 of Chapter 18 of Title 45;
- 3 (24) Code Section 45-18-100, relating to definitions relative to the Georgia Retiree
- 4 Health Benefit Fund;
- 5 (25) Code Section 45-18-102, relating to responsibilities, duties, and powers of the
- 6 department, board, and commissioner of community health with regard to the Georgia
- 7 Retiree Health Benefit Fund;
- 8 (26) Code Section 46-4-154, relating to notice of election, unbundling, rates, application
- 9 requirements, and surcharge on interruptibles relative to natural gas;
- 10 (27) Code Section 49-4-146, relating to time for action on a claim under Medicaid;
- 11 (28) Code Section 49-4-146.3, relating to forfeiture of property and proceeds obtained
- 12 through Medicaid fraud;
- 13 (29) Code Section 49-4-147, relating to enforcement of liens, claims, or offsets against
- 14 assistance under Medicaid;
- 15 (30) Code Section 49-4-147.2, relating to noneligibility of Department of Community
- 16 Health to obtain nor be liable for interest on orders, judgments, and liquidated or
- 17 unliquidated amounts;
- 18 (31) Code Section 49-4-148, relating to recovery of assistance from third party liable for
- 19 sickness, injury, disease, or disability under Medicaid;
- 20 (32) Code Section 49-4-149, relating to liens of the Department of Community Health
- 21 against third parties under Medicaid;
- 22 (33) Code Section 49-4-149.1, relating to submission by the Department of Community
- 23 Health of plan for family supplementation of Medicaid payments upon federal removal
- 24 of restrictions;
- 25 (34) Code Section 49-4-150, relating to regulations as to maintenance and use of records
- 26 under Medicaid;
- 27 (35) Code Section 49-4-151, relating to obtaining information for investigations and
- 28 audits under Medicaid;
- 29 (36) Code Section 49-4-152, relating to research and demonstration projects under
- 30 Medicaid;
- 31 (37) Code Section 49-4-153, relating to administrative hearings and appeals under
- 32 Medicaid;
- 33 (38) Code Section 49-4-156.1, relating to reimbursement for services rendered under
- 34 Article 5 of Chapter 6 of Title 49;
- 35 (39) Code Section 49-4-157, relating to construction of Article 7 of Chapter 4 of Title
- 36 49 with a federal act;

- 1 (40) Code Section 49-4-161, relating to definitions relative to the "Georgia Long-term
2 Care Partnership Program Act";
- 3 (41) Code Section 49-5-272, relating to definitions relative to the "PeachCare for Kids
4 Act";
- 5 (42) Code Section 49-10-1, relating to the Georgia Board for Physician Workforce;
- 6 (43) Code Section 50-13-9.1, relating to variances or waivers to rules under the "Georgia
7 Administrative Procedure Act";
- 8 (44) Code Section 50-13-42, relating to applicability of Article 2 of Chapter 13 of Title
9 50; and
- 10 (45) Code Section 50-26-19, relating to financing acquisition, construction, and
11 equipping of health care facilities.

12 **SECTION 2-2.**

13 The following Code sections of the Official Code of Georgia Annotated are amended by
14 striking "commissioner of community health" wherever that term occurs and inserting in its
15 place "commissioner of health":

- 16 (1) Code Section 20-2-896, relating to the administrative discharge of certain debts
17 relative to health insurance plans for public school teachers;
- 18 (2) Code Section 20-2-924, relating to the administrative discharge of certain debts
19 relative to health insurance plans for public school employees;
- 20 (3) Code Section 43-34-24.1, relating to the Composite State Board of Medical
21 Examiners as an independent agency;
- 22 (4) Code Section 45-18-1, relating to definitions relative to the state employees' health
23 insurance plan;
- 24 (5) Code Section 45-18-12, relating to the creation of a health insurance fund for state
25 employees;
- 26 (6) Code Section 45-18-13, relating to deposits of amounts from state employees' health
27 insurance fund available for investment in trust account;
- 28 (7) Code Section 45-18-15, relating to rules and regulations for the administration of the
29 state employees' health insurance plan;
- 30 (8) Code Section 45-18-16, relating to certification to departments and other entities of
31 the state of employer payment percentage for ensuing fiscal year;
- 32 (9) Code Section 45-18-18, relating to discharge of certain debts or obligations due
33 health insurance fund;

1 (10) Code Section 45-18-102, relating to the responsibilities, duties, and powers of the
2 department, board, and commissioner of community health with regard to the Georgia
3 Retiree Health Benefit Fund;

4 (11) Code Section 45-18-104, relating to control over the Georgia Retiree Health Benefit
5 Fund;

6 (12) Code Section 49-4-147, relating to enforcement of liens, claims, or offsets against
7 assistance under Medicaid;

8 (13) Code Section 49-4-148, relating to recovery of assistance from third party liable for
9 sickness, injury, disease, or disability under Medicaid;

10 (14) Code Section 49-4-150, relating to regulations as to maintenance and use of records
11 under Medicaid; and

12 (15) Code Section 49-4-153, relating to administrative hearings and appeals under
13 Medicaid.

14 **SECTION 2-3.**

15 The following Code sections of the Official Code of Georgia Annotated are amended by
16 striking "Board of Community Health" wherever that term occurs and inserting in its place
17 "Board of Health":

18 (1) Code Section 31-8-155, relating to promulgation of rules for funding expansions of
19 eligibility and indigent care programs;

20 (2) Code Section 45-18-12, relating to the creation of a health insurance fund for state
21 employees;

22 (3) Code Section 45-18-100, relating to definitions relative to the Georgia Retiree Health
23 Benefit Fund;

24 (4) Code Section 49-4-150, relating to regulations as to maintenance and use of records
25 under Medicaid;

26 (5) Code Section 49-4-153, relating to administrative hearings and appeals under
27 Medicaid; and

28 (6) Code Section 49-5-272, relating to definitions relative to the 'PeachCare for Kids
29 Act.'

30 **PART III**

31 **Amending delayed Code sections**

32 **SECTION 3-1.**

33 Chapter 44 of Title 33 of the Official Code of Georgia Annotated, relating to the Georgia
34 High Risk Health Insurance Plan, which is effective contingent per Section 2 of Ga. L. 1989,

1 p. 1701, on the appropriation of funds specifically appropriated to carry out the purposes of
 2 such chapter, and which such funds have not been appropriated in 1989 through 2006, is
 3 amended by revising subsection (b) of Code Section 33-44-3, relating to the creation of the
 4 Georgia High Risk Health Insurance Plan, as follows:

5 "(b) There is created a board of directors of the Georgia High Risk Health Insurance Plan
 6 to be composed of ten members appointed as provided in this subsection and the
 7 Commissioner of Insurance, who shall serve as an ex officio member. The Commissioner
 8 shall appoint, with the approval of the Governor, one member who shall represent domestic
 9 insurers licensed to transact accident and sickness insurance in this state, one member who
 10 shall represent a domestic nonprofit health care service plan, and one member who shall
 11 be a hospital administrator. The Governor shall appoint two members who shall be
 12 consumers, one member who shall represent employers who have more than 25 employees,
 13 one member who shall represent employers who have less than 25 employees, one member
 14 who shall represent health maintenance organizations, one member who shall be a licensed
 15 physician, and one member who shall either be a representative of the Department of
 16 ~~Human Resources~~ Health or a representative of a government agency involved directly or
 17 indirectly in state-wide health planning. All members of the board shall serve for terms of
 18 six years, except the Commissioner whose term shall be concurrent with his term of office
 19 as Commissioner. The board shall select one of its members to serve as chairman. The
 20 members of the board of directors shall be required to take and subscribe before the
 21 Governor an oath to discharge the duties of their office faithfully and impartially. This
 22 oath shall be in addition to the oath required of all civil officers. The members of the board
 23 of directors shall not be entitled to compensation for their services but shall be entitled to
 24 reimbursement for their actual travel and expenses necessarily incurred in the performance
 25 of their duties when funds are available for this purpose."

26 SECTION 3-2.

27 Article 7 of Chapter 6 of Title 49 of the Official Code of Georgia Annotated, relating to the
 28 "Adult Day Center for Aging Adults Licensure Act," which is effective contingent per
 29 Section 3(a) of Ga. L. 2003, p. 298, on the appropriation of funds specifically appropriated
 30 for the purposes of the article, and which such funds have not been appropriated in 2003
 31 through 2006, is amended by revising Code Section 49-6-81, relating to legislative intent, as
 32 follows:

33 "49-6-81.

34 The intent of the General Assembly is to promote, safeguard, and protect the well-being
 35 of adults participating in adult day care or adult day health services by authorizing,

1 promoting, and supporting licensure regulations for adult day care and adult day health
 2 services providers. It is further the intent of the General Assembly that the Department of
 3 ~~Human Resources~~ Health shall serve as the agency responsible for promulgating,
 4 implementing, and enforcing the licensure regulations."

5 **SECTION 3-3.**

6 Said article is further amended by revising paragraph (5) of Code Section 49-6-82, relating
 7 to definitions, as follows:

8 "(5) 'Department' means the Department of ~~Human Resources~~ Health."

9 **PART IV**

10 **Changes for conformity purposes**

11 **SECTION 4-1.**

12 Code Section 10-1-395 of the Official Code of Georgia Annotated, relating to the
 13 appointment and duties of the administrator of the "Fair Business Practices Act," is amended
 14 by revising subsection (a) as follows:

15 "(a) The administrator shall be appointed by the Governor and shall serve at his pleasure.
 16 The office of the administrator shall be attached to the office of the Governor for
 17 administrative purposes only. The administrator shall perform all functions formerly
 18 performed by the Consumer Services Unit of the Division of Special Programs of the
 19 Department of Human Resources, which department became known as the Department of
 20 Health on July 1, 2007."

21 **SECTION 4-2.**

22 Code Section 15-21-143 of the Official Code of Georgia Annotated, relating to the
 23 appointment of members and personnel to the Brain and Spinal Injury Trust Fund
 24 Commission, is amended by revising subsection (a) as follows:

25 "(a) The Brain and Spinal Injury Trust Fund Commission shall consist of 15 members who
 26 shall serve for terms of two years, except that with respect to the first members appointed,
 27 five members shall be appointed for a term of three years, five for a term of two years, and
 28 five for a term of one year. The following agencies may each appoint one member of the
 29 commission:

- 30 (1) The Division of Rehabilitation Services of the Department of Labor;
 31 (2) The State Board of Education; and
 32 (3) The Department of Public Safety;
 33 ~~(4) The Department of Community Health; and~~

1 "(d) The board shall determine policies and promulgate rules and regulations for the
2 operation of the department including:

3 (1) Functions formerly performed by the Office of School Readiness, including, but not
4 limited to, Even Start;

5 (2) Functions transferred to the department from the Department of Human Resources
6 relating to day-care centers, group day-care homes, family day-care homes, and other
7 functions as agreed upon by the department and the Department of Human Resources,
8 which became known as the Department of Health on July 1, 2007, in accordance with
9 Code Section 20-1A-8;

10 (3) Functions transferred to the department from the Georgia Child Care Council
11 pursuant to Code Section 20-1A-63; and

12 (4) Functions relating to early childhood education programs transferred from the
13 Department of Education by agreement in accordance with Code Section 20-1A-17."

14 SECTION 4-5.

15 Code Section 20-1A-4 of the Official Code of Georgia Annotated, relating to powers and
16 duties of the Department of Early Care and Learning, is amended by revising paragraph (8)
17 as follows:

18 "(8) To perform any other functions as agreed upon between the department and the
19 Department of Human Resources, which became known as the Department of Health on
20 July 1, 2007, pursuant to Code Section 20-1A-8;"

21 SECTION 4-6.

22 Code Section 20-1A-8 of the Official Code of Georgia Annotated, relating to the transfer of
23 functions, powers, personnel equipment, and assets to the Department of Early Care and
24 Learning, is amended by revising subsections (a) and (b) as follows:

25 "(a) Effective October 1, 2004, the department shall carry out all of the functions and
26 exercise all of the powers formerly held by the Department of Human Resources, which
27 became known as the Department of Health on July 1, 2007, for the regulation and
28 licensure of early care and education programs and any other functions as agreed upon by
29 the department and the Department of Human Resources, now known as the Department
30 of Health. Subject to subsection (c) of this Code section, all persons employed by and
31 positions authorized for the Department of Human Resources to perform functions relating
32 to the licensure and certification of early care and education programs and any other
33 functions as agreed upon by the department and the former Department of Human
34 Resources on September 30, 2004, shall on October 1, 2004, be transferred to the

1 department. All office equipment, furniture, and other assets in possession of the
 2 Department of Human Resources which are used or held exclusively or principally by
 3 personnel transferred under this subsection shall be transferred to the department on
 4 October 1, 2004.

5 (b) Effective October 1, 2004, notwithstanding the advisory functions of the Georgia Child
 6 Care Council included in Code Section 20-1A-63, the department shall carry out the
 7 functions and exercise the powers formerly held by the Georgia Child Care Council under
 8 former Article 11 of Chapter 5 of Title 49. Subject to subsection (c) of this Code section,
 9 all persons employed by and positions authorized for the Georgia Child Care Council to
 10 perform functions relating to the recommendation of measures to improve the quality,
 11 availability, and affordability of child care in this state on September 30, 2004, shall on
 12 October 1, 2004, be transferred to the department. All office equipment, furniture, and
 13 other assets in possession of the Georgia Child Care Council or the Department of Human
 14 Resources, which are used or held exclusively or principally by personnel transferred under
 15 this subsection shall be transferred to the department on October 1, 2004."

16 SECTION 4-7.

17 Code Section 20-1A-9 of the Official Code of Georgia Annotated, relating to the authority
 18 to license and regulate day-care centers, group day-care homes, and family day-care homes
 19 transferred to the Department of Early Care and Learning, is revised as follows:

20 "20-1A-9.

21 The department shall succeed to all rights and responsibilities relating to licensure and
 22 regulation of day-care centers, group day-care homes, and family day-care homes,
 23 including such rules, regulations, policies, procedures, and pending and finalized
 24 administrative orders of the Department of Human Resources (now known as the
 25 Department of Health), the Georgia Child Care Council, and the Office of State
 26 Administrative Hearings, where applicable, which are in effect on September 30, 2004, and
 27 which relate to the functions transferred to the department pursuant to Code Section
 28 20-1A-8. Such rights, responsibilities, licenses issued pursuant to previous law,
 29 procedures, and orders shall remain in effect until amended, repealed, superseded, or
 30 nullified by the commissioner. Such rules, regulations, and policies shall remain in effect
 31 until amended, repealed, superseded, or nullified by the board."

SECTION 4-8.

Code Section 20-2-880 of the Official Code of Georgia Annotated, relating to definitions relative to health insurance plans for public school teachers, is amended by revising paragraphs (1) and (2) as follows:

"(1) 'Board' means the Board of ~~Community Health established under Chapter 5A of Title 31.~~

(2) 'Commissioner' means the commissioner of ~~community health established under Chapter 5A of Title 31.~~"

SECTION 4-9.

Code Section 20-2-910 of the Official Code of Georgia Annotated, relating to definitions relative to health insurance plans for public school employees, is amended by revising paragraphs (1) and (2) as follows:

"(1) 'Board' means the Board of ~~Community Health established under Chapter 5A of Title 31.~~

(2) 'Commissioner' means the commissioner of ~~community health established under Chapter 5A of Title 31.~~"

SECTION 4-10.

Code Section 26-4-192 of the Official Code of Georgia Annotated, relating to a state-wide program for distribution of unused prescription drugs for the benefit of medically indigent persons, is revised as follows:

"26-4-192.

(a) The Georgia State Board of Pharmacy, ~~the Department of Human Resources,~~ and the Department of ~~Community Health~~ shall jointly develop and implement a state-wide program consistent with public health and safety standards through which unused prescription drugs, other than prescription drugs defined as controlled substances, may be transferred from health care facilities to pharmacies designated or approved by the Department of ~~Human Resources~~ Health for the purpose of distributing such drugs to residents of this state who are medically indigent persons.

(b) The Georgia State Board of Pharmacy, ~~the Department of Human Resources,~~ and the Department of ~~Community Health~~ shall be authorized to develop and implement a pilot program to determine the safest and most beneficial manner of implementing the program prior to the state-wide implementation of the program required in subsection (a) of this Code section.

1 (c) The Georgia State Board of Pharmacy, in consultation with the ~~Department of Human~~
 2 ~~Resources and the~~ Department of ~~Community~~ Health, shall develop and promulgate rules
 3 and regulations to establish procedures necessary to implement the program and pilot
 4 program, if applicable, provided for in this Code section. The rules and regulations shall
 5 provide, at a minimum:

6 (1) For an inclusionary formulary for the prescription drugs to be distributed pursuant
 7 to the program;

8 (2) For the protection of the privacy of the individual for whom a prescription drug was
 9 originally prescribed;

10 (3) For the integrity and safe storage and safe transfer of the prescription drugs, which
 11 may include, but shall not be limited to, limiting the drugs made available through the
 12 program to those that were originally dispensed by unit dose or an individually sealed
 13 dose and that remain in intact packaging; provided, however, that the rules and
 14 regulations shall authorize the use of any remaining prescription drugs;

15 (4) For the tracking of and accountability for the prescription drugs; and

16 (5) For other matters necessary for the implementation of the program.

17 (d) The state-wide program required by this Code section shall be implemented no later
 18 than January 1, 2007, unless a pilot program is implemented pursuant to subsection (b) of
 19 this Code section, in which case state-wide implementation shall occur no later than July
 20 1, 2008."

21 **SECTION 4-11.**

22 Code Section 31-1-3.2 of the Official Code of Georgia Annotated, relating to hearing
 23 screenings for newborns, is amended by revising subsection (e) as follows:

24 "(e) It is the intent of the General Assembly that, by July 1, 2002, newborn hearing
 25 screening be conducted on no fewer than 95 percent of all newborn infants born in
 26 hospitals in this state, using procedures established by rule and regulation of the Board of
 27 Human Resources, which became known as the Board of Health on July 1, 2007, after
 28 review of any recommendations of the advisory committee on hearing in newborn infants,
 29 created in subsection (d) of this Code section. Toward that end, on and after July 1, 2001,
 30 every licensed or certified hospital and physician shall educate the parents of newborn
 31 infants born in such hospitals of the importance of screening the hearing of newborn infants
 32 and follow-up care. Education shall not be considered a substitute for the hearing screening
 33 described in this subsection. Every licensed or permitted hospital shall report annually to
 34 the Department of ~~Human Resources~~ Health concerning the following:

35 (1) The number of newborn infants born in the hospital;

- 1 (2) The number of newborn infants screened;
 2 (3) The number of newborn infants who passed the screening, if administered; and
 3 (4) The number of newborn infants who did not pass the screening, if administered."

4 **SECTION 4-12.**

5 Code Section 31-2-6 of the Official Code of Georgia Annotated, relating to actions against
 6 certain applicants or licensees subject to regulation by the Department of Human Resources,
 7 is amended by revising subsection (d) as follows:

8 "(d)(1) With respect to any facility classified as a nursing facility, nursing home, or
 9 intermediate care home, the department may not take an action to fine or restrict the
 10 license of any such facility based on the same act, occurrence, or omission for which:

11 (A) The facility has received an intermediate sanction under the provisions of 42
 12 U.S.C. Section 1396r(h)(2)(A), as amended, or 42 U.S.C. Section 1395i-3(h)(2)(B); or

13 (B) Such facility has been served formal notice of intent to take such a sanction which
 14 the ~~Department of Community Health~~ department based on administrative review or
 15 any other appropriate body based on administrative or judicial review determines not
 16 to impose; provided, however, that nothing in this subsection shall prohibit the
 17 department from utilizing the provisions authorized under subsection (f) of this Code
 18 section.

19 (2) When any civil monetary penalty is recommended and imposed against such facility,
 20 and the department does not resurvey the facility within 48 hours after the date by which
 21 all items on a plan of correction submitted by the facility are to be completed, the accrual
 22 of any resulting civil monetary penalties shall be suspended until the facility is
 23 resurveyed by the department.

24 (3) If the department resurveys such facility beyond 48 hours after the final date for
 25 completion of all items on the plan of correction submitted by the facility, and the facility
 26 is not in substantial compliance with the applicable standards, any civil monetary
 27 penalties imposed shall relate back to the date on which such penalties were suspended.

28 (4) Notwithstanding the provisions of paragraphs (2) and (3) of this subsection, nothing
 29 contained in said paragraphs (2) and (3) of this subsection shall be construed as requiring
 30 the state survey agency to act in violation of applicable federal law, regulations, and
 31 guidelines."

SECTION 4-13.

Code Section 31-6-2 of the Official Code of Georgia Annotated, relating to definitions relative to state health planning and development, is amended by revising paragraphs (3), (6.1), (10), and (16.1) as follows:

"(3) 'Bed capacity' means space used exclusively for inpatient care, including space designed or remodeled for inpatient beds even though temporarily not used for such purposes. The number of beds to be counted in any patient room shall be the maximum number for which adequate square footage is provided as established by rules of the ~~Department of Human Resources~~ department, except that single beds in single rooms shall be counted even if the room contains inadequate square footage."

~~"(6.1) 'Department' means the Department of Community Health established under Chapter 5A of this title."~~

"(10) 'Health Strategies Council' or 'council' means the body created by this chapter to advise the Department of ~~Community~~ Health and adopt the state health plan."

"(16.1) 'Operating room environment' means an environment which meets the minimum physical plant and operational standards specified on January 1, 1991, for ambulatory surgical treatment centers in Section 290-5-33-.10 of the rules of the Department of Human Resources, now known as the Department of Health."

SECTION 4-14.

Code Section 31-6-20 of the Official Code of Georgia Annotated, relating to the Health Strategies Council generally, is amended by striking subsection (j), which reads as follows:

"(j) As used in subsections (g), (h), and (i) of this Code section, the term:

(1) 'Board' means the Board of Community Health established under Chapter 5A of this title.

(2) 'Department' means the Department of Community Health established under Chapter 5A of this title."

SECTION 4-15.

Code Section 31-6-21 of the Official Code of Georgia Annotated, relating to the Department of Community Health generally relative to state health planning and development, is amended by revising subsection (a) as follows:

"(a) The ~~Department of Community Health, established under Chapter 5A of this title,~~ department is authorized to administer the certificate of need program established under this chapter and, within the appropriations made available to the department by the General Assembly of Georgia and consistently with the laws of the State of Georgia, a state health

1 plan adopted by the Health Strategies Council and approved by the board. ~~The department~~
 2 ~~shall provide, by rule, for procedures to administer its functions until otherwise provided~~
 3 ~~by the Board of Community Health."~~

4 **SECTION 4-16.**

5 Code Section 31-6-22 of the Official Code of Georgia Annotated, relating to the
 6 commissioner of the Department of Community Health, is repealed.

7 **SECTION 4-17.**

8 Code Section 31-6-45.1 of the Official Code of Georgia Annotated, relating to the automatic
 9 revocation of a certificate of need or authority, is amended by revising subsection (a) as
 10 follows:

11 "(a) A health care facility which has a certificate of need or is otherwise authorized to
 12 operate pursuant to this chapter shall have such certificate of need or authority to operate
 13 automatically revoked by operation of law without any action by the ~~Department of~~
 14 ~~Community Health~~ department when that facility's permit to operate pursuant to Code
 15 Section 31-7-4 is finally revoked by order of the ~~Department of Human Resources~~
 16 department. For purposes of this subsection, the date of such final revocation shall be as
 17 follows:

18 (1) When there is no appeal of the order pursuant to Chapter 5 of this title, the one
 19 hundred and eightieth day after the date upon which expires the time for appealing the
 20 revocation order without such an appeal being filed; or

21 (2) When there is an appeal of the order pursuant to Chapter 5 of this title, the date upon
 22 which expires the time to appeal the last administrative or judicial order affirming or
 23 approving the revocation or revocation order without such appeal being filed.

24 ~~The Department of Community Health may become a party to any judicial proceeding to~~
 25 ~~review a decision by the Department of Human Resources to revoke such a permit."~~

26 **SECTION 4-18.**

27 Code Section 31-6-45.2 of the Official Code of Georgia Annotated, relating to an annual
 28 report by the Department of Community Health relative to the certificate of need program,
 29 is amended by revising subsection (b) as follows:

30 "(b) A facility seeking to terminate its enrollment as a provider of medical assistance shall
 31 submit a written request to the ~~Department of Community Health~~ department documenting
 32 good cause for termination. ~~The Department of Community Health, after consultation with~~
 33 ~~the department;~~ shall grant or deny the facility's request within 30 days. If the ~~Department~~

1 ~~of Community Health department~~ denies the facility's request, the facility shall be entitled
 2 to a hearing conducted in the same manner as an evidentiary hearing conducted by the
 3 ~~Department of Community Health department~~ pursuant to the provisions of Code Section
 4 49-4-153 within 30 days of the ~~Department of Community Health's department's~~ decision."

5 **SECTION 4-19.**

6 Code Section 31-6-47 of the Official Code of Georgia Annotated, relating to exemptions
 7 from Chapter 6 of Title 31, is amended by revising paragraphs (11) and (16) of subsection
 8 (a) as follows:

9 "(11) Capital expenditures otherwise covered by this chapter required solely to eliminate
 10 or prevent safety hazards as defined by federal, state, or local fire, building,
 11 environmental, occupational health, or life safety codes or regulations, to comply with
 12 licensing requirements of the ~~Department of Human Resources department~~, or to comply
 13 with accreditation standards of the Joint Commission on Accreditation of Hospitals;"

14 "(16) Capital expenditures for a project otherwise requiring a certificate of need if those
 15 expenditures are for a project to remodel, renovate, replace, or any combination thereof,
 16 a medical-surgical hospital and:

17 (A) That hospital:

- 18 (i) Has a bed capacity of not more than 50 beds;
- 19 (ii) Is located in a county in which no other medical-surgical hospital is located;
- 20 (iii) Has at any time been designated as a disproportionate share hospital by the
 21 ~~Department of Community Health department~~; and
- 22 (iv) Has at least 45 percent of its patient revenues derived from medicare, Medicaid,
 23 or any combination thereof, for the immediately preceding three years; and

24 (B) That project:

- 25 (i) Does not result in any of the following:
 - 26 (I) The offering of any new clinical health services;
 - 27 (II) Any increase in bed capacity;
 - 28 (III) Any redistribution of existing beds among existing clinical health services; or
 - 29 (IV) Any increase in capacity of existing clinical health services;
- 30 (ii) Has at least 80 percent of its capital expenditures financed by the proceeds of a
 31 special purpose county sales and use tax imposed pursuant to Article 3 of Chapter 8
 32 of Title 48; and
- 33 (iii) Is located within a three-mile radius of and within the same county as the
 34 hospital's existing facility."

SECTION 4-20.

Code Section 31-7-94.1 of the Official Code of Georgia Annotated, relating to the "Rural Hospital Assistance Act," is revised as follows:

"31-7-94.1.

(a) This Code section shall be known and may be cited as the 'Rural Hospital Assistance Act.'

(b) The General Assembly finds that hospital authorities are created under Code Section 31-7-72 in and for each county and municipal corporation of the state in order to promote public health goals of the state. The General Assembly further finds that many hospitals in rural counties, whether or not they are owned or operated by hospital authorities, are in desperate financial straits. In order to preserve the availability of primary health care services provided by such hospitals to residents of rural counties, the General Assembly has determined that a program of state grants is necessary and recommends funds be made available to such hospitals. These grants will be conditioned upon those hospitals continuing to furnish essential health care services to residents in their areas of operation as well as engaging in the long-range planning and any restructuring which may be required for those hospitals to survive by devising cost-effective and efficient health care systems for meeting local health care needs.

(c) As used in this Code section, the term:

(1) '~~Department of Community Health~~' means the Department of ~~Community Health created under Chapter 5A of this title.~~

(2) 'Hospital' means an institution which has a permit as a hospital issued under this chapter.

(3) 'Rural county' means a county having a population of less than 35,000 according to the United States decennial census of 1990 or any future such census; provided, however, that for counties which contain a military base or installation, the military personnel and their dependents living in such county shall be excluded from the total population of such county for purposes of this definition.

(4) 'Rural hospital' means a hospital which has been certified by the ~~Department of Community Health~~ department as:

(A) Being located in a rural county;

(B) Participating in both Medicaid and medicare and accepting both Medicaid and medicare patients;

(C) Providing health care services to indigent patients; and

(D) Maintaining a 24 hour emergency room.

1 (d) A rural hospital may apply for a grant available under subsection (e) of this Code
 2 section if it has been certified by the ~~Department of Community Health~~ department as:

3 (1) A rural hospital;

4 (2) Having submitted a grant application which includes:

5 (A) A problem statement indicating the problem the rural hospital proposes to solve
 6 with the grant funds;

7 (B) The goals of the proposed solution;

8 (C) The organizational structure, financial system, and facilities that are essential to
 9 the proposed solution;

10 (D) The projected longevity of the proposed solution after the grant funds are
 11 expended;

12 (E) Evidence of collaboration with other community health care providers in achieving
 13 the proposed solution;

14 (F) Evidence that funds for the proposed solution are not available from another
 15 source;

16 (G) Evidence that the grant funds would assist in returning the hospital to an
 17 economically stable condition or that any plan for closure or realignment of services
 18 involves development of innovative alternatives for the discontinued services;

19 (H) Evidence of a satisfactory record-keeping system to account for grant fund
 20 expenditures within the rural county;

21 (I) A community health survival plan describing how the plan was developed, the
 22 goals of the plan, the links with existing health care providers under the plan, the
 23 implementation process including quantification of indicators of the hospital's financial
 24 well-being, measurable outcome targets, and the current condition of such hospital; and

25 (J) Such additional evidence as the ~~Department of Community Health~~ department may
 26 require to demonstrate the feasibility of the proposed solution for which grant funds are
 27 sought.

28 (e) Notwithstanding the provisions of Code Section 31-7-94, the ~~Department of~~
 29 ~~Community Health~~ department is authorized to make grants to rural hospitals certified as
 30 meeting the requirements of subsection (d) of this Code section. Grants to rural hospitals
 31 owned or operated by hospital authorities may be for any of the following purposes:

32 (1) Infrastructure development, including, without being limited to, facility renovation
 33 or equipment acquisition; provided, however, that the amount granted to any qualified
 34 hospital may not exceed the expenditure thresholds that would constitute a new
 35 institutional health service requiring a certificate of need under Chapter 6 of this title and
 36 the grant award may be conditioned upon obtaining local matching funds;

1 (2) Strategic planning, including, without being limited to, strategies for personnel
 2 retention or recruitment, development of an emergency medical network, or the
 3 development of a collaborative and integrated health care delivery system with other
 4 health care providers, and the grant award may be conditioned upon obtaining local
 5 matching funds for items such as telemedicine, billing systems, and medical records. For
 6 the purposes of this paragraph, the maximum grant to any grantee shall be \$200,000.00;

7 (3) Nontraditional health care delivery systems, excluding operational funds and
 8 purposes for which grants may be made under paragraph (1) or (2) of this subsection. For
 9 the purposes of this paragraph, the maximum grant to any grantee shall be \$1.5 million;

10 or

11 (4) The provision of 24 hour emergency room services open to the general public.

12 Any grants to certified rural hospitals which are not owned or operated by hospital
 13 authorities shall be limited to the purpose described in paragraph (4) of this subsection.

14 (f) In awarding grants under this Code section, the ~~Department of Community Health~~
 15 department may give priority to any otherwise eligible rural hospital which meets the
 16 definition of a 'necessary provider' as specified in the state's 'Rural Healthcare Plan' of
 17 May, 1998.

18 (g) The ~~Department of Community Health~~ department shall be authorized to certify rural
 19 hospitals as provided in subsection (d) of this Code section and shall adopt regulations to
 20 implement its powers and duties under this Code section."

21 SECTION 4-21.

22 Code Section 31-7-155 of the Official Code of Georgia Annotated, relating to certificates of
 23 need for new service or extending service area, is revised as follows:

24 31-7-155.

25 (a) No home health agency initiating a service or extending the range of its service area shall
 26 be licensed unless the Department of ~~Community~~ Health determines, in accordance with
 27 Article 3 of Chapter 6 of this title and regulations pursuant thereto, that there is a need for
 28 said services within the area to be served. All home health agencies which were delivering
 29 services prior to July 1, 1979, and were certified for participation in either Title XVIII or
 30 Title XIX of the federal Social Security Act prior to such date shall be exempt from a
 31 certificate of need, except in those instances where expansion of services or service areas
 32 is requested by such home health agencies. Such exemption from a certificate of need shall
 33 extend to all areas in which a home health agency was licensed by the department or its
 34 predecessor to provide services on or before December 31, 1989, except as provided in
 35 subsection (b) of this Code section.

1 (b) Concerning an exemption from a certificate of need pursuant to subsection (a) of this
 2 Code section, service areas which were the subject of litigation pending in any court of
 3 competent jurisdiction, whether by way of appeal, remand, stay, or otherwise, as of
 4 December 31, 1989, shall not be so exempt except as set forth in the final unappealed
 5 administrative or judicial decision rendered in such litigation.

6 (c) Except with respect to a home health agency's service areas which were the subject of
 7 litigation pending in any court of competent jurisdiction as of December 31, 1989, the
 8 Department of ~~Community Health~~, formerly known as the Department of Community
 9 Health, shall not consider any request for or issue a determination of an exemption from
 10 a certificate of need pursuant to this Code section after December 31, 1989."

11 SECTION 4-22.

12 Code Section 31-7-282 of the Official Code of Georgia Annotated, relating to collection and
 13 submission of health care data, is revised as follows:

14 "31-7-282.

15 The department shall be authorized to request, collect, or receive the collection and
 16 submission of data listed in subsection (c) of Code Section 31-7-280 from:

17 (1) Health care providers;

18 ~~(2) The Department of Community Health;~~

19 ~~(3)~~(2) The Commissioner of Insurance;

20 ~~(4) Reserved;~~

21 ~~(5)~~(3) Third-party payors;

22 ~~(6)~~(4) The Joint Commission on the Accreditation of Healthcare Organizations; and

23 ~~(7)~~(5) Other appropriate sources as determined by the department.

24 Any entity specified in ~~paragraphs (1) through (4)~~ paragraph (1) or (2) of this Code section
 25 which has in its custody or control data requested by the department pursuant to this Code
 26 section shall provide the department with such data, but any data regarding a health care
 27 provider which is ~~is~~ are already available in the records of any state officer, department, or
 28 agency specified in paragraph ~~(2), (3), or (4)~~ of this Code section shall not be required to
 29 be provided to the department by that health care provider."

30 SECTION 4-23.

31 Code Section 31-8-133 of the Official Code of Georgia Annotated, relating to residents'
 32 rights in personal care homes, is revised as follows:

1 "31-8-133.
 2 Residents' rights shall include all rights enumerated in the Rules of the Department of
 3 Human Resources Chapter 290-5-35, or such successor rules as adopted by the Department
 4 of Health, including, but not limited to, procedural protections relating to admission,
 5 transfer, or discharge of residents."

6 **SECTION 4-24.**

7 Code Section 31-8-151 of the Official Code of Georgia Annotated, relating to definitions
 8 relative to the Indigent Care Trust Fund, is amended by revising paragraph (1) as follows:

9 "(1) 'Department' means the Department of ~~Community Health created by Chapter 5A~~
 10 ~~of this title.~~"

11 **SECTION 4-25.**

12 Code Section 31-8-162 of the Official Code of Georgia Annotated, relating to definitions
 13 relative to nursing home provider fees, is amended by revising paragraphs (1) and (8) as
 14 follows:

15 "(1) 'Department' means the Department of ~~Community Health created by Chapter 5A~~
 16 ~~of this title.~~"

17 "(8) 'State plan' means all documentation submitted by the commissioner of the
 18 Department of ~~Community Health~~, formerly known as the Department of Community
 19 Health, on behalf of the department to and for approval by the United States secretary of
 20 health and human services, pursuant to Title XIX of the federal Social Security Act."

21 **SECTION 4-26.**

22 Code Section 31-8-171 of the Official Code of Georgia Annotated, relating to definitions
 23 relative to quality assessment fees on care management organizations, is amended by
 24 revising paragraph (2) as follows:

25 "(2) 'Department' means the Department of ~~Community Health created by Chapter 5A~~
 26 ~~of this title.~~"

27 **SECTION 4-27.**

28 Code Section 31-8-192 of the Official Code of Georgia Annotated, relating to definitions
 29 relative to the "'Health Share' Volunteers in Medicine Act," is amended by revising
 30 paragraphs (2) and (5) as follows:

31 "(2) 'Department' means the Department of ~~Community Health.~~"

32 "(5) 'Low-income' means:

- 1 (A) A person who is Medicaid eligible under the laws of this state;
- 2 (B) A person:
- 3 (i) Who is without health insurance; or
- 4 (ii) Who has health insurance that does not cover the injury, illness, or condition for
- 5 which treatment is sought; and
- 6 whose family income does not exceed 200 percent of the federal poverty level as
- 7 defined annually by the federal Office of Management and Budget;
- 8 (C) A person:
- 9 (i) Who is without dental insurance; or
- 10 (ii) Who has dental insurance that does not cover the injury, illness, or condition for
- 11 which treatment is sought; and
- 12 whose family income does not exceed 200 percent of the federal poverty level as
- 13 defined annually by the federal Office of Management and Budget; or
- 14 (D) Any client or beneficiary of the department ~~or the Department of Human~~
- 15 ~~Resources~~ who voluntarily chooses to participate in a program offered or approved by
- 16 the department ~~or the Department of Human Resources~~ and meets the program
- 17 eligibility guidelines of the department ~~or the Department of Human Resources~~ whose
- 18 family income does not exceed 200 percent of the federal poverty level as defined
- 19 annually by the federal Office of Management and Budget."

20 **SECTION 4-28.**

21 Code Section 31-9A-6 of the Official Code of Georgia Annotated, relating to reporting

22 requirements under the "Woman's Right to Know Act," is revised as follows:

23 "31-9A-6.

24 (a) Not later than August 8, 2005, the Department of Human Resources, now known as the

25 Department of Health, shall prepare a reporting form for physicians performing abortions

26 in a health facility licensed as an abortion facility by the Department of ~~Human Resources~~

27 Health containing a reprint of this chapter and listing:

- 28 (1) The number of females to whom the physician provided the information described
- 29 in paragraph (1) of Code Section 31-9A-3; of that number, the number to whom the
- 30 information was provided by telephone and the number to whom the information was
- 31 provided in person; and of each of those numbers, the number to whom the information
- 32 was provided by a referring physician and the number to whom the information was
- 33 provided by a physician who is to perform the abortion;
- 34 (2) The number of females to whom the physician or a qualified agent of the physician
- 35 provided the information described in paragraph (2) of Code Section 31-9A-3; of that

1 number, the number to whom the information was provided by telephone and the number
 2 to whom the information was provided in person; of each of those numbers, the number
 3 to whom the information was provided by a referring physician and the number to whom
 4 the information was provided by a physician who is to perform the abortion; and of each
 5 of those numbers, the number to whom the information was provided by the physician
 6 and the number to whom the information was provided by a qualified agent of the
 7 physician; and

8 (3) The number of females who availed themselves of the opportunity to obtain a copy
 9 of the printed information described in Code Section 31-9A-4, other than on the website,
 10 and the number who did not; and of each of those numbers, the number who, to the best
 11 of the reporting physician's information and belief, went on to obtain the abortion.

12 (b) The Department of Human Resources, now known as the Department of Health, shall
 13 ensure that copies of the reporting forms described in subsection (a) of this Code section
 14 are provided:

15 (1) Not later than September 7, 2005, to all health facilities licensed as an abortion
 16 facility by the Department of Human Resources, now known as the Department of
 17 Health;

18 (2) To each physician licensed or who subsequently becomes licensed to practice in this
 19 state, at the same time as official notification to that physician that the physician is so
 20 licensed; and

21 (3) By December 1 of each year, other than the calendar year in which forms are
 22 distributed in accordance with paragraph (1) of this subsection, to all health facilities
 23 licensed as an abortion facility by the Department of ~~Human Resources~~ Health.

24 (c) By February 28 of each year following a calendar year in any part of which this chapter
 25 was in effect, each physician who provided, or whose qualified agent provided, information
 26 to one or more females in accordance with Code Section 31-9A-3 during the previous
 27 calendar year shall submit to the Department of ~~Human Resources~~ Health a copy of the
 28 form described in subsection (a) of this Code section with the requested data entered
 29 accurately and completely.

30 (d) Nothing in this Code section shall be construed to preclude the voluntary or required
 31 submission of other reports or forms regarding abortions.

32 (e) Reports that are not submitted within a grace period of 30 days following the due date
 33 shall be subject to a late fee of \$500.00 for that period and the same fee for each additional
 34 30 day period or portion of a 30 day period the reports are overdue. Any physician
 35 required to submit a report in accordance with this Code section who submits an
 36 incomplete report or fails to submit a report for more than one year following the due date

1 may, in an action brought by the Department of ~~Human Resources~~ Health, be directed by
2 a court of competent jurisdiction to submit a complete report within a period stated by court
3 order or may be subject to sanctions for civil contempt.

4 (f) By June 30 of each year, the Department of ~~Human Resources~~ Health shall issue a
5 public report providing statistics for the previous calendar year compiled from all of the
6 reports covering that year submitted in accordance with this Code section for each of the
7 items listed in subsection (a) of this Code section. Each report shall also provide the
8 statistics for all previous calendar years adjusted to reflect any additional information from
9 late or corrected reports. The Department of ~~Human Resources~~ Health shall ensure that
10 none of the information included in the public reports could reasonably lead to the
11 identification of any individual who provided information in accordance with Code Section
12 31-9A-3 or 31-9A-4.

13 (g) The Department of ~~Human Resources~~ Health may, by regulation, alter the dates
14 established by subsection (c) or (e) of this Code section or paragraph (3) of subsection (b)
15 of this Code section or may consolidate the forms or reports described in this Code section
16 with other forms or reports for reasons including, but not limited to, achieving
17 administrative convenience or fiscal savings or reducing the burden of reporting
18 requirements, so long as reporting forms are sent to all facilities licensed as an abortion
19 facility by the Department of ~~Human Resources~~ Health at least once every year and the
20 report described in subsection (f) of this Code section is issued at least once every year.

21 (h) The Department of ~~Human Resources~~ Health shall ensure that the names and identities
22 of the physicians filing reports under this chapter shall remain confidential. The names and
23 identities of such physicians shall not be subject to Article 4 of Chapter 18 of Title 50."

24 **SECTION 4-29.**

25 Code Section 31-11-2 of the Official Code of Georgia Annotated, relating to definitions
26 relative to emergency medical services, is amended by revising paragraphs (3), (5), and (6.1)
27 as follows:

28 "(3) 'Ambulance provider' means an agency or company providing ambulance service
29 which is operating under a valid license from the Emergency Health Section of the
30 Division of Public Health of the Department of ~~Human Resources~~ Health."

31 "(5) 'Cardiac technician' means a person who, having been trained and certified as an
32 emergency medical technician and having completed additional training in advanced
33 cardiac life support techniques in a training course approved by the department, is so
34 certified by the Composite State Board of Medical Examiners prior to January 1, 2002,

1 or the Department of Human Resources, now known as the Department of Health, on and
 2 after January 1, 2002."

3 "~~(6.1) 'Department' means the Department of Human Resources.~~"

4 **SECTION 4-30.**

5 Code Section 31-11-53.1 of the Official Code of Georgia Annotated, relating to an automated
 6 external defibrillator program, is amended by revising subsection (b) as follows:

7 "(b) It is the intent of the General Assembly that an automated external defibrillator may
 8 be used by any person for the purpose of saving the life of another person in cardiac arrest.
 9 In order to ensure public health and safety:

10 (1) It is recommended that all persons who have access to or use an automated external
 11 defibrillator obtain appropriate training as set forth in the Rules and Regulations of the
 12 Department of Human Resources Chapter 290-5-30 or such successor rules as adopted
 13 by the Department of Health. It is further recommended that such training include at a
 14 minimum the successful completion of:

15 (A) A nationally recognized health care provider/professional rescuer level
 16 cardiopulmonary resuscitation course; and

17 (B) A department established or approved course which includes demonstrated
 18 proficiency in the use of an automated external defibrillator;

19 (2) All persons and agencies possessing and maintaining an automated external
 20 defibrillator shall notify the appropriate emergency medical services system of the
 21 existence and location of the automated external defibrillator prior to said defibrillator
 22 being placed in use;

23 (3) All persons who use an automated external defibrillator shall activate the emergency
 24 medical services system as soon as reasonably possible by calling 9-1-1 or the
 25 appropriate emergency telephone number upon use of the automated external
 26 defibrillator; and

27 (4) Within a reasonable period of time, all persons who use an automated external
 28 defibrillator shall make available a printed or electronically stored report to the licensed
 29 emergency medical services provider which transports the patient."

30 **SECTION 4-31.**

31 Code Section 31-13-25 of the Official Code of Georgia Annotated, relating to rules,
 32 regulations, agreements, and contracts formerly under the Department of Human Resources
 33 relative to radiation control, is revised as follows:

1 "31-13-25.
 2 All rules and regulations, agreements, contracts, or other instruments which involve
 3 radioactive materials heretofore under the jurisdiction of the Department of Human
 4 Resources, now known as the Department of Health, will, by operation of law, be assumed
 5 by the Department of Natural Resources on April 4, 1990."

6 **SECTION 4-32.**

7 Code Section 31-45-11 of the Official Code of Georgia Annotated, relating to enforcement
 8 of rules and regulations relative to public swimming pools, is revised as follows:

9 "31-45-11.

10 Each county board of health and its duly authorized agents are authorized and empowered
 11 to enforce compliance with the provisions of this chapter and the rules and regulations
 12 relating to public swimming pools adopted and promulgated by the Department of ~~Human~~
 13 ~~Resources~~ Health and, in connection therewith, to enter upon and inspect the premises of
 14 a public swimming pool at any reasonable time and in a reasonable manner."

15 **SECTION 4-33.**

16 Code Section 33-20A-31 of the Official Code of Georgia Annotated, relating to definitions
 17 relative to the "Patient's Right to Independent Review Act," is amended by revising
 18 paragraph (1) as follows:

19 "(1) 'Department' means the Department of ~~Community Health established under Chapter~~
 20 ~~5A of Title 31.~~"

21 **SECTION 4-34.**

22 Code Section 33-21-20.1 of the Official Code of Georgia Annotated, relating to regulation
 23 of health maintenance organizations by the commissioner of human resources, is amended
 24 by revising as follows:

25 "33-21-20.1.

26 On May 13, 2004, all health maintenance organizations meeting the requirements of
 27 subsection (b.1) of Code Section 33-21-3 shall not be subject to regulation by the
 28 commissioner of human resources, now known as the commissioner of health. Upon the
 29 Commissioner of Insurance's determination that a health maintenance organization no
 30 longer meets the requirements of subsection (b.1) of Code Section 33-21-3, the
 31 Commissioner shall immediately notify the commissioner of ~~human resources~~ health and
 32 such health maintenance organization shall be subject to regulation by the commissioner

1 of ~~human resources~~ health until such time as it again meets the requirements of subsection
2 (b.1) of Code Section 33-21-3 as determined by the Commissioner of Insurance."

3 **SECTION 4-35.**

4 Code Section 33-24-56.3 of the Official Code of Georgia Annotated, relating to colorectal
5 cancer screening and testing, is amended by revising subsection (a) as follows:

6 "(a) As used in this Code section, the term:

7 (1) 'Health benefit policy' means any individual or group plan, policy, or contract for
8 health care services issued, delivered, issued for delivery, executed, or renewed by an
9 insurer in this state on or after July 1, 2002, including, but not limited to, those contracts
10 executed by the Department of Community Health or its successor, the Department of
11 Health pursuant to ~~paragraph (1) of subsection (f) of Code Section 31-5A-4~~. The term
12 'health benefit policy' does not include the following limited benefit insurance policies:
13 accident only, CHAMPUS supplement, dental, disability income, fixed indemnity,
14 long-term care, medicare supplement, specified disease, vision, and nonrenewable
15 individual policies written for a period of less than six months.

16 (2) 'Insurer' means any person, corporation, or other entity authorized to provide health
17 benefit policies under this title."

18 **SECTION 4-36.**

19 Code Section 33-24-59.2 of the Official Code of Georgia Annotated, relating to coverage for
20 equipment and self-management training for individuals with diabetes, is amended by
21 revising subsection (b) as follows:

22 "(b)(1) Diabetes outpatient self-management training and education as provided for in
23 subsection (a) of this Code section shall be provided by a certified, registered, or licensed
24 health care professional with expertise in diabetes.

25 (2) The office of the Commissioner of Insurance shall promulgate rules and regulations
26 after consultation with the Department of ~~Human Resources~~ Health, or its predecessor,
27 which conform to the current standards for diabetes outpatient self-management training
28 and educational services established by the American Diabetes Association for purposes
29 of this Code section.

30 (3) The office of the Commissioner of Insurance shall promulgate rules and regulations,
31 relating to standards of diabetes care, to become effective July 1, 2002, after consultation
32 with the Department of Human Resources (now known as the Department of Health), the
33 American Diabetes Association, and the National Institutes of Health. Such rules and
34 regulations shall be adopted in accordance with the provisions of Code Section 33-2-9."

SECTION 4-37.

Code Section 33-45-3 of the Official Code of Georgia Annotated, relating to certificate of authority required for operation of continuing care facilities, is revised as follows:

"33-45-3.

Nothing in this title or chapter shall be deemed to authorize any provider of a continuing care facility to transact any insurance business other than that of continuing care insurance or otherwise to engage in any other type of insurance unless it is authorized under a certificate of authority issued by the department under this title. Nothing in this chapter shall be construed so as to interfere with the jurisdiction of the Department of Health Human Resources, ~~the Department of Community Health~~, or any other regulatory body exercising authority over continuing care providers."

SECTION 4-38.

Code Section 34-15-2 of the Official Code of Georgia Annotated, relating to the July 2001 transfer of the Division of Rehabilitation Services to the Department of Labor, is revised as follows:

"34-15-2.

(a) The Division of Rehabilitation Services within the Department of Human Resources, now known as the Department of Health, including the disability adjudication section and the Roosevelt Warm Springs Institute for Rehabilitation, is transferred to the Department of Labor on July 1, 2001, and that division shall become the Division of Rehabilitation Services of the Department of Labor on July 1, 2001. The functions, duties, programs, institutions, and authority of the Division of Rehabilitation Services which were vested in the Department of Human Resources on June 30, 2001, are vested in the Department of Labor effective July 1, 2001. The division shall be administered by a director appointed by the Commissioner. The policy-making functions which were vested in the Board of Human Resources, now known as the Board of Health, or the Department of Human Resources pertaining to the Division of Rehabilitation Services are vested in the Commissioner of Labor effective July 1, 2001.

(b) The Department of Labor shall, from July 1, 2001, assume possession and control of all records, papers, equipment, supplies, office space, and all other tangible property possessed and controlled by the Department of Human Resources as of June 30, 2001, in the Department of Human Resources' administration of the Division of Rehabilitation Services. All funds attributable to the Division of Rehabilitation Services and its programs and institutions from state, federal, and any other public or private source, shall be transferred to the Department of Labor on July 1, 2001.

1 (c) The Department of Human Resources shall calculate, in consultation with the
2 Department of Labor, the amount of all funds of or attributable to the Division of
3 Rehabilitation Services and its programs and institutions from any source that are used to
4 provide administrative or other services within the Department of Human Resources,
5 including funds from the disability adjudication section, the cost allocation system, and any
6 indirect costs funding from the federal government or any other source. The amount
7 calculated shall be transferred to the Department of Labor on July 1, 2001. Any changes
8 or amendments made to the structure or placement of division programs and institutions,
9 the allocation and expenditure of division funds, division rules, regulations, policies and
10 procedures, or the administrative orders of the Department of Human Resources pertaining
11 to the division, between May 1, 2000, and July 1, 2001, shall be made in consultation with
12 the Commissioner of Labor. In addition, on and after May 1, 2000, the Department of
13 Human Resources shall make available to the Department of Labor all records and
14 information of the Department of Human Resources and the Division of Rehabilitation
15 Services which relate to the functions, duties, and administration of the division, to assist
16 in the orderly transfer of the division to the Department of Labor.

17 (d) All officers, employees, and agents of the Division of Rehabilitation Services who, on
18 June 30, 2001, are engaged in the performance of a function or duty which shall be vested
19 in the Division of Rehabilitation Services of the Department of Labor on July 1, 2001, by
20 this chapter, shall be automatically transferred to the Department of Labor on July 1, 2001.
21 An equivalent number of positions or funds of the Department of Human Resources which
22 provide administrative support to the Division of Rehabilitation Services shall be
23 transferred to the Department of Labor on July 1, 2001. Such persons shall be subject to
24 the employment practices and policies of the Department of Labor on and after July 1,
25 2001, but consistent with the compensation and benefits of other employees of that
26 department holding positions substantially the same as the transferred employees, the
27 compensation and benefits of such transferred employees shall not be reduced. Employees
28 who are subject to the State Merit System of Personnel Administration and who are
29 transferred to the Division of Rehabilitation Services of the Department of Labor shall
30 retain all existing rights under the State Merit System of Personnel Administration.
31 Retirement rights of such transferred employees existing under the Employees' Retirement
32 System of Georgia or other public retirement systems on June 30, 2001, shall not be
33 impaired or interrupted by the transfer of such employees, and membership in any such
34 retirement system shall continue in the same status possessed by the transferred employees
35 on June 30, 2001. Accrued annual and sick leave shall be retained by said employees as
36 employees of the Department of Labor. The Department of Human Resources shall be

1 responsible for payment of the accrued Fair Labor Standards Act compensatory time
2 possessed by said employees. Such accrued compensatory time shall be used by or paid to
3 said employees prior to July 1, 2001.

4 (e)(1) The Division of Rehabilitation Services of the Department of Labor is the
5 designated state unit for the vocational rehabilitation program.

6 (2) The Division of Rehabilitation Services of the Department of Labor shall conform
7 to federal standards in all respects necessary for receiving federal grants and the
8 Commissioner of the Department of Labor is authorized and empowered to effect such
9 changes as may, from time to time, be necessary in order to comply with such standards.

10 (3) The Division of Rehabilitation Services of the Department of Labor is authorized to
11 employ, on a full or part-time basis, such medical, psychiatric, social work, supervisory,
12 institutional, and other professional personnel and such clerical and other employees as
13 may be necessary to discharge the duties of the division under this chapter. The division
14 is also authorized to contract for such professional services as may be necessary.

15 (4) Classified employees of the Division of Rehabilitation Services of the Department
16 of Labor under this chapter shall in all instances be employed and dismissed in
17 accordance with rules and regulations of the State Merit System of Personnel
18 Administration.

19 (5) All personnel of the Division of Rehabilitation Services of the Department of Labor
20 are authorized to be members of the Employees' Retirement System of Georgia as
21 provided in Chapter 2 of Title 47. All rights, credits, and funds in that retirement system
22 which are possessed by state personnel transferred by provisions of this chapter to the
23 Department of Labor, or otherwise had by persons at the time of employment with that
24 department, are continued and preserved, it being the intention of the General Assembly
25 that such persons shall not lose any rights, credits, or funds to which they may be entitled
26 prior to becoming employees of the Division of Rehabilitation Services of the
27 Department of Labor.

28 (f) The Department of Labor shall succeed to all rules, regulations, policies, procedures,
29 and administrative orders of the Department of Human Resources which are in effect on
30 June 30, 2001, and which relate to the functions of the Division of Rehabilitation Services.
31 Such rules, regulations, policies, procedures, and administrative orders shall remain in
32 effect until amended, repealed, superseded, or nullified by proper authority or as otherwise
33 provided by law.

34 (g) The rights, privileges, entitlements, and duties of parties to contracts, leases,
35 agreements, and other transactions entered into before July 1, 2001, by the Department of
36 Human Resources or the Division of Rehabilitation Services pertaining to the Division of

1 Rehabilitation Services transferred to the Department of Labor by this chapter shall
 2 continue to exist; and none of these rights, privileges, entitlements, and duties are impaired
 3 or diminished by reason of the transfer of the functions to the Department of Labor. In all
 4 such instances, the Department of Labor shall be substituted for the Department of Human
 5 Resources or the Division of Rehabilitation Services, and the Department of Labor shall
 6 succeed to the rights and duties under such contracts, leases, agreements, and other
 7 transactions.

8 (h) The Division of Rehabilitation Services of the Department of Labor shall conform all
 9 service delivery regions to the state service delivery regions provided in subsection (a) of
 10 Code Section 50-4-7."

11 **SECTION 4-39.**

12 Code Section 37-1-2 of the Official Code of Georgia Annotated, relating to legislative
 13 findings as to mental health, developmental disability, and addictive disease problems and
 14 services, is amended by revising subsection (a) as follows:

15 "(a) The General Assembly finds that the state has a need to continually improve its system
 16 for providing effective, efficient, and quality mental health, developmental disability, and
 17 addictive disease services. The General Assembly also finds that the needs of the publicly
 18 funded mental health, developmental disability, and addictive disease system and the state
 19 can best be met through reorganizing the regional mental health, mental retardation, and
 20 substance abuse boards and certain functions of the Department of Human Resources, now
 21 known as the Department of Health. Further, the General Assembly finds that a
 22 comprehensive range of quality services and opportunities is vitally important to the
 23 existence and well-being of individuals with mental health, developmental disability, or
 24 addictive disease needs and their families. The General Assembly further finds that the
 25 state has an obligation and a responsibility to develop and implement planning and service
 26 delivery systems which focus on a core set of consumer oriented, community based values
 27 and principles which include, but are not limited to, the following:

- 28 (1) Consumers and families should have choices about services and providers and should
 29 have substantive input into the planning and delivery of all services;
- 30 (2) A single point of accountability should exist for fiscal, service, and administrative
 31 issues to ensure better coordination of services among all programs and providers and to
 32 promote cost-effective, efficient service delivery and administration;
- 33 (3) The system should be appropriately comprehensive and adaptive to allow consumers
 34 and their families to access the services they desire and need;

1 (4) Public programs are the foundation of the service planning and delivery system and
 2 they should be valued and nurtured; at the same time, while assuring comparable
 3 standards of quality, private sector involvement should be increased to allow for
 4 expanded consumer choice and improved cost effectiveness;

5 (5) Planning should reside at the local level, with the primary authority vested in local
 6 government, consumers, families, advocates, and other interested local parties;

7 (6) The system should ensure that the needs of consumers who are most in need are met
 8 at the appropriate service levels; at the same time, prevention strategies should be
 9 emphasized for those disabilities which are known to be preventable;

10 (7) The system should be designed to provide the highest quality of services utilizing
 11 flexibility in funding, incentives, and outcome evaluation techniques which reinforce
 12 quality, accountability, efficiency, and consumer satisfaction;

13 (8) The functions of service planning, coordination, contracting, resource allocation, and
 14 consumer assessment should be separated from the actual treatment, habilitation, and
 15 prevention services provided by contractors;

16 (9) Consumers and families should have a single, community based point of entry into
 17 the system;

18 (10) Consumers, staff, providers, and regional planning board and community service
 19 board members should receive ongoing training and education and should have access
 20 to key management resources such as information systems and technical and professional
 21 support services; and

22 (11) The department is responsible for ensuring the appropriate use of state, federal, and
 23 other funds to provide quality services for individuals with mental health, developmental
 24 disabilities, or addictive disease needs who are served by the public system and to protect
 25 consumers of these services from abuse and maltreatment."

26 **SECTION 4-40.**

27 Code Section 37-2-6 of the Official Code of Georgia Annotated, relating to the creation of
 28 community mental health, developmental disabilities, and addictive diseases services boards,
 29 is amended by revising subsection (b.1) as follows:

30 "(b.1) A county governing authority may appoint the school superintendent, a member of
 31 the county board of health, a member of the board of education, or any other elected or
 32 appointed official to serve on the community service board provided that such person meets
 33 the qualifications of paragraph (1) of subsection (b) of this Code section and such
 34 appointment does not violate the provisions of Chapter 10 of Title 45. For terms of office
 35 which begin July 1, 1994, or later, an employee of the Department of ~~Human Resources~~

1 Health, (previously known as the Department of Human Resources) or an employee of a
2 county board of health may not serve on a community service board."

3 **SECTION 4-41.**

4 Code Section 37-2-6.1 of the Official Code of Georgia Annotated, relating to the program
5 director, staff, budget, and facilities of community service boards, is amended by revising
6 paragraphs (5) and (9) of subsection (b) and subsection (l) as follows:

7 "(5) Each community service board may provide, either independently or through
8 contract with appropriate state or local governmental entities, the following benefits to
9 its employees, their dependents, and survivors, in addition to any compensation or other
10 benefits provided to such persons:

11 (A) Retirement, pension, disability, medical, and hospitalization benefits, through the
12 purchase of insurance or otherwise, but medical and hospitalization benefits may only
13 be provided through the Department of ~~Community~~ Health under the same conditions
14 as provided for such benefits to state employees, and the Department of ~~Community~~
15 Health shall so provide if requested;

16 (B) Life insurance coverage and coverage under federal old age and survivors'
17 insurance programs;

18 (C) Sick leave, annual leave, and holiday leave; and

19 (D) Any other similar benefits including, but not limited to, death benefits;"

20 "(9) Each community service board may establish fees for the provision of disability
21 services according to the terms of contracts entered into with the Department of ~~Human~~
22 ~~Resources and the Department of Community~~ Health;"

23 "(l) A community service board may join or form and operate, either directly or
24 indirectly, one or more networks of community service boards, disability professionals,
25 and other providers of disability services to arrange for the provision of disability services
26 through such networks; to contract either directly or through such networks with the
27 Department of ~~Community~~ Health to provide services to Medicaid beneficiaries; to
28 provide disability services in an efficient and cost-effective manner on a prepaid,
29 capitation, or other reimbursement basis; and to undertake other disability related
30 managed care activities. For purposes of this subsection only and notwithstanding Code
31 Section 33-3-3 or any other provision of law, a community service board shall be
32 permitted to and shall comply with the requirements of Chapter 20A of Title 33 to the
33 extent that such requirements apply to the activities undertaken by the community service
34 board or by a community service board under this subsection or subsection (j) of this
35 Code section. No community service board, whether or not it exercises the powers

1 authorized by this subsection, shall be relieved of compliance with Article 4 of Chapter
2 18 of Title 50, relating to inspection of public records, unless otherwise provided by law.
3 Any licensed health care provider shall be eligible to apply to become a participating
4 provider under such a plan or network that provides coverage for health care or disability
5 services which are within the lawful scope of the provider's license, but nothing in this
6 Code section shall be construed to require any such plan or network to provide coverage
7 for any specific health care or disability service."

8 **SECTION 4-42.**

9 Code Section 40-16-5 of the Official Code of Georgia Annotated, relating to the authority
10 of the commissioner of driver services, is amended by revising paragraph (5) of subsection
11 (d) as follows:

12 "(5) All rules and regulations previously adopted which relate to functions transferred
13 under this chapter from the Department of Human Resources, now known as the
14 Department of Health, to the Department of Driver Services."

15 **SECTION 4-43.**

16 Code Section 42-1-13 of the Official Code of Georgia Annotated, relating to the Sexual
17 Offender Registration Review Board, is amended by revising subsection (a) as follows:

18 "(a) The Sexual Offender Registration Review Board shall be composed of three
19 professionals licensed under Title 43 and knowledgeable in the field of the behavior and
20 treatment of sexual offenders; at least one representative from a victims' rights advocacy
21 group or agency; and at least two representatives from law enforcement, each of whom is
22 either employed by a law enforcement agency as a certified peace officer under Title 35
23 or retired from such employment. The members of the board shall be appointed by the
24 commissioner of human resources, now known as the commissioner of health, for terms
25 of four years. On and after July 1, 2006, successors to the members of the board shall be
26 appointed by the Governor. Members of the board shall take office on the first day of
27 September immediately following the expired term of that office and shall serve for a term
28 of four years and until the appointment of their respective successors. No member shall
29 serve on the board more than two consecutive terms. Vacancies occurring on the board,
30 other than those caused by expiration of a term of office, shall be filled in the same manner
31 as the original appointment to the position vacated for the remainder of the unexpired term
32 and until a successor is appointed. Members shall be entitled to an expense allowance and
33 travel cost reimbursement the same as members of certain other boards and commissions
34 as provided in Code Section 45-7-21."

SECTION 4-44.

Code Section 43-27-2 of the Official Code of Georgia Annotated, relating to the creation of the State Board of Nursing Home Administrators, is amended by revising subsection (a) as follows:

"(a) There is created the State Board of Nursing Home Administrators, which shall consist of 13 members, none of whom may be employees of the United States government or of this state, and the commissioner of ~~human resources~~ health or his or her designee, who shall serve as ex officio member of the board, ~~and the commissioner of community health or his designee, who shall serve as ex officio member of the board.~~ The members of the board shall be appointed by the Governor and confirmed by the Senate, as follows:

(1) One member who is a licensed medical doctor in this state and who is not a nursing home administrator or pecuniarily interested in any nursing home;

(2) One member who is a registered nurse in this state and who is not a nursing home administrator or pecuniarily interested in any nursing home;

(3) One member who is an educator with a graduate degree and specializing in the field of gerontology and who is not a nursing home administrator or pecuniarily interested in any nursing home;

(4) Three members of the public at large who are not nursing home administrators or pecuniarily interested in any nursing home or have any connection with the nursing home industry whatsoever. Two of these three public-at-large positions shall be appointed from a list of three persons for each of these two positions submitted by the Board of ~~Human Resources~~ Health. The Governor is vested with complete discretion in appointing the third member for one of these three public-at-large positions;

(5) One member who is a hospital administrator in this state, who is the holder of a master's degree in hospital administration, and who is not a nursing home administrator or pecuniarily interested in any nursing home; and

(6) Six members, at least one of whom shall represent nonproprietary nursing homes, who are licensed nursing home administrators in this state."

SECTION 4-45.

Code Section 43-27-5 of the Official Code of Georgia Annotated, relating to the general powers and duties of the State Board of Nursing Home Administrators, is amended by revising paragraph (4) of subsection (a) as follows:

"(4) To initiate investigations for the purpose of discovering violations by a nursing home administrator of the rules, regulations, or statutes of the Department of ~~Community Health or the Department of Human Resources~~, provided that the board shall investigate

1 those violations only after revocation, limitation, or restriction of participation of the
 2 nursing home of which such individual is the administrator in the medical assistance
 3 program or the license issued by the Department of ~~Human Resources~~ Health and make
 4 written findings as to the causes of the alleged violations;"

5 **SECTION 4-46.**

6 Code Section 44-5-149 of the Official Code of Georgia Annotated, relating to the creation
 7 of the Advisory Board on Anatomical Gift Procurement, is amended by revising subsection
 8 (a) as follows:

9 "(a) There is created an advisory board to be known as the Advisory Board on Anatomical
 10 Gift Procurement. The board shall be composed of the following appointed persons:

11 (1) The Governor shall appoint:

- 12 (A) One representative of an eye bank;
- 13 (B) One representative of a tissue bank;
- 14 (C) One representative of a bone bank;
- 15 (D) One representative of an organ procurement organization;
- 16 (E) One representative of hospitals in this state;
- 17 (F) One representative of the medical profession in this state;
- 18 (G) One representative of the Department of ~~Human Resources~~ Health;
- 19 ~~(H) One representative of the Department of Community Health;~~ and
- 20 ~~(H)~~ (H) One medical examiner;

21 (2) The members specified in subparagraphs (A) through ~~(H)~~ (H) of paragraph (1) of this
 22 subsection shall appoint one consumer member who has been the recipient of an organ
 23 and who has no professional connection with any entity specified in subparagraphs (A)
 24 through ~~(H)~~ (H) of paragraph (1) of this subsection;

25 (3) The Speaker of the House of Representatives shall appoint three members of the
 26 House of Representatives; and

27 (4) The President of the Senate shall appoint three members of the Senate."

28 **SECTION 4-47.**

29 Code Section 45-18-1 of the Official Code of Georgia Annotated, relating to definitions
 30 relative to the state employees' health insurance plan, is amended by revising paragraph (1) as
 31 follows:

32 "(1) 'Board' means the Board of ~~Community Health established under Chapter 5A of~~
 33 ~~Title 31.~~"

SECTION 4-48.

Code Section 47-2-299 of the Official Code of Georgia Annotated, relating to creditable service under the Employees' Retirement System of Georgia for service as an employee of a private nonprofit hospital, is amended by revising subsection (a) as follows:

"(a) Any member who is an employee of a community service board created by Code Section 37-2-6 may obtain creditable service for prior service as an employee of a private nonprofit hospital which was deemed to be the community health center through a contractual master agreement with the Department of Human Resources (now known as the Department of Health) and which was authorized to bill Medicaid for outpatient clinic option services under the state community mental health program prior to December 31, 1991, and who, without a break in service, became an employee of the community service board in the same position he or she held with the private hospital. Such credit shall be granted regardless of whether any prior service has been used or may be used in the determination of the member's eligibility for retirement benefits or allowances in a private retirement system."

SECTION 4-49.

Code Section 49-2-11 of the Official Code of Georgia Annotated, relating to acceptance and disbursement of federal aid, is amended by revising subsection (f) as follows:

"(f) ~~Notwithstanding subsections (a) through (e) of this Code section, the~~ The department ~~Department of Community Health~~ shall be the single state agency for the administration of the state medical assistance plan."

SECTION 4-50.

Code Section 49-2-16 of the Official Code of Georgia Annotated, relating to the Georgia Council for Welfare Administration, is amended by revising subsection (e) as follows:

"(e) The commissioner of human resources, now known as the commissioner of health, shall call the initial meeting of the council at which time the council shall organize and select its officers."

SECTION 4-51.

Code Section 49-4-6 of the Official Code of Georgia Annotated, relating to reserves, income, and resources to be disregarded with regard to public assistance, is amended by revising subsection (c) as follows:

"(c) Notwithstanding any other provision of this Code section, this chapter, or state law, to the extent that such disregard does not violate federal law or terminate or decrease the

1 state's eligibility for federal funding for public assistance or for disabled persons, the
 2 Department of ~~Human Resources~~ Health, ~~the Department of Community Health~~, and ~~their~~
 3 its successors shall disregard for the purpose of eligibility for public assistance or
 4 assistance for disabled persons any funds or property held in trust for a disabled person by
 5 a community trust created and administered in accordance with Chapter 10 of Title 30, a
 6 trust for a person with one or more impairments with substantially similar provisions for
 7 distributions, or any noncash distributions from such trusts."

8 **SECTION 4-52.**

9 Code Section 49-4-141 of the Official Code of Georgia Annotated, relating to definitions
 10 relative to the "Georgia Medical Assistance Act of 1977," is amended by revising paragraphs
 11 (2) and (4) as follows:

12 "(2) 'Board' means the Board of ~~Community Health established under Chapter 5A of~~
 13 ~~Title 31.~~"

14 "(4) 'Department' means the Department of ~~Community Health established under Chapter~~
 15 ~~5A of Title 31.~~"

16 **SECTION 4-53.**

17 Code Section 49-4-142 of the Official Code of Georgia Annotated, relating to the adoption
 18 and administering of a state plan for medical assistance by the Department of Community
 19 Health, is revised as follows:

20 "49-4-142.

21 (a) ~~The Department of Community Health established under Chapter 5A of Title 31~~
 22 department is authorized to adopt and administer a state plan for medical assistance in
 23 accordance with Title XIX of the federal Social Security Act, as amended (Act of July 30,
 24 1965, P.L. 89-97, 79 Stat. 343, as amended), provided such state plan is administered
 25 within the appropriations made available to the department. The department is authorized
 26 to establish the amount, duration, scope, and terms and conditions of eligibility for and
 27 receipt of such medical assistance as it may elect to authorize pursuant to this article.
 28 Further, the department is authorized to establish such rules and regulations as may be
 29 necessary or desirable in order to execute the state plan and to receive the maximum
 30 amount of federal financial participation available in expenditures made pursuant to the
 31 state plan; provided, however, the department shall establish reasonable procedures for
 32 notice to interested parties and an opportunity to be heard prior to the adoption,
 33 amendment, or repeal of any such rule or regulation. The department is authorized to enter
 34 into such reciprocal and cooperative arrangements with other states, persons, and

1 institutions, public and private, as it may deem necessary or desirable in order to execute
2 the state plan.

3 (b) The department (formerly known as the Department of Community Health) shall, not
4 later than June 1, 1986, implement a modification of the state plan for medical assistance
5 or any affected rules or regulations of the department, which modification will allow
6 supplementation by relatives or other persons for a private room or private sitter or both
7 for a recipient of medical assistance in a nursing home. ~~The Department of Human~~
8 ~~Resources shall likewise modify any affected rules and regulations of the Department of~~
9 ~~Human Resources.~~ The modification to the plan or to any affected rules and regulations
10 shall be effective unless and until federal authorities rule that such modification is out of
11 compliance with federal regulations. Such modification of the state plan for medical
12 assistance or rules and regulations:

13 (1) Shall provide that a provider of nursing home services in either a skilled care facility
14 or an intermediate care facility shall be obligated to provide a recipient of medical
15 assistance only semiprivate accommodations which meet the other requirements of
16 appropriate regulations;

17 (2) Shall provide that at no time can more than 10 percent of a skilled care or
18 intermediate care facility's rooms be used for Medicaid recipients for whom a private
19 room supplementation has been made;

20 (3) Shall provide that payments made by relatives or other persons to a provider of
21 medical assistance for the specific stated purpose of paying the additional costs for a
22 private room or private sitter or both for a recipient of medical assistance in a skilled care
23 facility or intermediate care facility shall not be considered as income when determining
24 the amount of patient liability toward vendor payments; provided, however, that the
25 department's entitlement to payments made by legally liable third parties shall not be
26 diminished by this modification of the state plan;

27 (4) Shall provide that no provider of medical assistance shall discriminate against a
28 recipient of medical assistance who does not have a relative or other person who is
29 willing and able to provide supplementation; but the provision of a private room or
30 private sitter to a recipient when supplementation is provided shall not constitute
31 discrimination against other recipients;

32 (5) Shall provide that no recipient who is transferred to or admitted to a private room
33 because of a shortage of beds in semiprivate rooms shall be discharged because the
34 recipient does not have a relative or other person who is willing and able to provide
35 supplementation; and

1 (6) May provide that the rate charged by the provider of medical assistance to the relative
 2 or other person providing supplementation for a private room for a recipient shall not
 3 exceed the difference between the maximum rate charged by the provider for a private
 4 room to or for a private pay patient and the amount which the provider receives or will
 5 receive from the department as reimbursement for otherwise providing for the recipient's
 6 care in a semiprivate room.

7 (c) The department is authorized to establish drug application fees which shall be equal
 8 to the department's cost of investigating and determining whether a new drug product
 9 should be included in the Controlled Medical Assistance Drug List. Such fees shall be
 10 adjusted annually and shall be paid by the drug manufacturers at the time of application."

11 **SECTION 4-54.**

12 Code Section 49-4-162 of the Official Code of Georgia Annotated, relating to the
 13 establishment of the Georgia Qualified Long-term Care Partnership Program, is amended by
 14 revising subsection (a) as follows:

15 "(a) In accordance with Section 6021 of the Federal Deficit Reduction Act of 2005, there
 16 is established the Georgia Qualified Long-term Care Partnership Program which shall be
 17 administered by the ~~Department of Community Health~~ department, with the assistance of
 18 the Commissioner of Insurance ~~and the Department of Human Resources~~, and which shall
 19 be for the following purposes:

20 (1) To provide incentives for individuals to insure against the costs of providing for their
 21 long-term care needs;

22 (2) To provide a mechanism for individuals to qualify for coverage of the cost of their
 23 long-term care needs under the state Medicaid program without first being required to
 24 substantially exhaust their resources;

25 (3) To provide counseling services through the Division of Aging Services of the
 26 ~~Department of Human Resources~~ department to individuals in planning of their long-term
 27 care needs; and

28 (4) To alleviate the financial burden on the state's Medicaid program by encouraging the
 29 pursuit of private initiatives."

30 **SECTION 4-55.**

31 Code Section 49-4-183 of the Official Code of Georgia Annotated, relating to the
 32 administration of the "Temporary Assistance for Needy Families Act" by the Department of
 33 Human Resources, is amended by revising subsection (a) as follows:

1 "(a) This article shall be administered by the ~~Department of Human Resources~~ department.
 2 The Board of Human Resources, now known as the Board of Health, shall issue such rules
 3 and regulations as may be necessary to administer this article properly and to comply with
 4 the requirements of Part A of Title IV of the federal Social Security Act, as amended, the
 5 state plan, and any future amendments to such Act or plan. The initial rules and regulations
 6 for the Georgia TANF Program shall be promulgated by the board pursuant to Chapter 13
 7 of Title 50, the 'Georgia Administrative Procedure Act,' and specifically Code Section
 8 50-13-4 no later than July 1, 1997."

9 **SECTION 4-56.**

10 Code Section 49-4A-5 of the Official Code of Georgia Annotated, relating to the transfer of
 11 functions and employees of the Division of Youth Services, is revised as follows:

12 "49-4A-5.

13 (a) The department shall carry out all functions and exercise all powers relating to the
 14 administration, supervision, and management of juvenile detention facilities, including
 15 youth development centers, and jurisdiction over said youth development centers and other
 16 juvenile detention facilities is vested in the department.

17 (b) Any employees of the Department of Juvenile Justice who became so employed by
 18 virtue of their transfer from the Division of Youth Services of the Department of Human
 19 Resources, now known as the Department of Health, on June 30, 1992, shall retain their
 20 compensation and benefits and such may not be reduced. Transferred employees who were
 21 subject to the State Merit System of Personnel Administration shall retain all existing rights
 22 under the State Merit System of Personnel Administration. Retirement rights of such
 23 transferred employees existing under the Employees' Retirement System of Georgia or
 24 other public retirement systems on July 1, 1992, shall not be impaired or interrupted by the
 25 transfer of such employees and membership in any such retirement system shall continue
 26 in the same status possessed by the transferred employees on June 30, 1992. Accrued
 27 annual and sick leave possessed by said employees on June 30, 1992, shall be retained by
 28 said employees as employees of the department.

29 (c)(1) The department shall conform to federal standards for a merit system of personnel
 30 administration in the respects necessary for receiving federal grants and the board is
 31 authorized and empowered to effect such changes as may, from time to time, be
 32 necessary in order to comply with such standards.

33 (2) The department is authorized to employ, on a full-time or part-time basis, such
 34 medical, psychiatric, social work, supervisory, institutional, and other professional
 35 personnel and such clerical and other employees as may be necessary to discharge the

1 duties of the department under this chapter. The department is also authorized to contract
2 for such professional services as may be necessary.

3 (3) Classified employees of the department under this chapter shall in all instances be
4 employed and dismissed in accordance with rules and regulations of the State Merit
5 System of Personnel Administration.

6 (4) All personnel of the department are authorized to be members of the Employees'
7 Retirement System of Georgia created in Chapter 2 of Title 47. All rights, credits, and
8 funds in that retirement system which are possessed by state personnel transferred by
9 provisions of this chapter to the department, or otherwise had by persons at the time of
10 employment with the department, are continued and preserved, it being the intention of
11 the General Assembly that such persons shall not lose any rights, credits, or funds to
12 which they may be entitled prior to becoming employees of the department."

13 SECTION 4-57.

14 Code Section 49-6-62 of the Official Code of Georgia Annotated, relating to the
15 establishment of a community care unit with the aging section of the Department of Human
16 Resources, is amended by revising subsection (e) as follows:

17 "(e) The department shall develop a plan which shall provide for the implementation of a
18 community care system in each of the specified geographic service areas by July 1, 1985.
19 The three-year plan shall be developed concurrent with and integrated into the state plan
20 on aging required under the Older Americans Act of 1965 and shall provide for
21 coordination of all ~~community-based~~ community based services for the elderly. The
22 three-year plan shall include an inventory of existing services and an analysis comparing
23 the cost of institutional long-term care and the cost of community care and other
24 ~~community-based~~ community based services for the elderly. The multiyear plan shall be
25 presented to the Board of Human Resources (now known as the Board of Health) no later
26 than July 31, 1983."

27 SECTION 4-58.

28 Code Section 50-5-69 of the Official Code of Georgia Annotated, relating to purchases by
29 state entities without competitive bidding, is amended by revising subsection (a) as follows:

30 "(a) If the needed supplies, materials, equipment, or service can reasonably be expected
31 to be acquired for less than \$5,000.00 and is not available on state contracts or through
32 statutorily required sources, the purchase may be effectuated without competitive bidding.
33 The commissioner of administrative services may by rule and regulation authorize the
34 various offices, agencies, departments, boards, bureaus, commissions, institutions,

1 authorities, or other entities of the state to make purchases in their own behalf and may
 2 provide the circumstances and conditions under which such purchases may be effected. In
 3 order to assist and advise the commissioner of administrative services in making
 4 determinations to allow offices, agencies, departments, boards, bureaus, commissions,
 5 institutions, authorities, or other entities of the state to make purchases in their own behalf,
 6 there is created a Purchasing Advisory Council consisting of the executive director of the
 7 Georgia Technology Authority or his or her designee; the director of the Office of Planning
 8 and Budget or his or her designee; the chancellor of the University System of Georgia or
 9 his or her designee; the commissioner of technical and adult education or his or her
 10 designee; the commissioner of transportation or his or her designee; the Secretary of State
 11 or his or her designee; the commissioner of ~~human resources~~ health or his or her designee;
 12 ~~the commissioner of community health or his or her designee~~; and one member to be
 13 appointed by the Governor. The commissioner of administrative services shall promulgate
 14 the necessary rules and regulations governing meetings of such council and the method and
 15 manner in which such council will assist and advise the commissioner of administrative
 16 services."

17 SECTION 4-59.

18 Code Section 50-5-136 of the Official Code of Georgia Annotated, relating to the powers and
 19 authority of the State Use Council, is amended by revising paragraph (4) of subsection (b)
 20 as follows:

21 "(4) To oversee and assist in the development of guidelines for the certification of
 22 community based rehabilitation programs and training centers in the State of Georgia.
 23 The intent of these guidelines shall be to evaluate the qualifications and capabilities of
 24 community based rehabilitation programs and training centers interested in certification;
 25 to determine criteria for quality, efficiency, timeliness, and cost effectiveness in the
 26 production of goods, wares, merchandise, and services to be procured under the state use
 27 plan and purchased by the State of Georgia; and to establish a certification process which
 28 shall enable community based rehabilitation programs and training centers qualified
 29 under this process to compete in procurement activities provided for by this part. All
 30 community based rehabilitation programs and training centers which are certified by the
 31 commissioner of human resources (now known as the commissioner of health) as of
 32 February 8, 1994, shall not have to undergo the certification evaluation and approval
 33 process until 24 months from February 8, 1994;"

1 **PART V**

2 **Creation of Department of Health and**
 3 **transition provisions**

4 **SECTION 5-1.**

5 Code Section 31-2-1 of the Official Code of Georgia Annotated, relating to the duties,
 6 functions, and powers of the Department of Human Resources, is revised as follows:

7 "31-2-1.

8 (a) The Department of ~~Human Resources~~ Health is ~~created and~~ established to safeguard
 9 and promote the health of the people of this state and is empowered to employ all legal
 10 means appropriate to that end. Illustrating, without limiting, the foregoing grant of
 11 authority, the department is empowered to:

12 (1) Provide epidemiological investigations and laboratory facilities and services in the
 13 detection and control of disease, disorders, and disabilities and to provide research,
 14 conduct investigations, and disseminate information concerning reduction in the
 15 incidence and proper control of disease, disorders, and disabilities;

16 (2) Forestall and correct physical, chemical, and biological conditions that, if left to run
 17 their course, could be injurious to health;

18 (3) Regulate and require the use of sanitary facilities at construction sites and places of
 19 public assembly and to regulate persons, firms, and corporations engaged in the rental
 20 and service of portable chemical toilets;

21 (4) Isolate and treat persons afflicted with a communicable disease who are either unable
 22 or unwilling to observe the department's rules and regulations for the suppression of such
 23 disease and to establish, to that end, complete or modified quarantine, surveillance, or
 24 isolation of persons and animals exposed to a disease communicable to man;

25 (5) Manufacture drugs and biologicals which are not readily available on the market and
 26 not manufactured for commercial purposes, when expressly authorized and shown on the
 27 minutes of the department; to procure and distribute drugs and biologicals and purchase
 28 services from clinics, laboratories, hospitals, and other health facilities and, when
 29 authorized by law, to acquire and operate such facilities;

30 (6) Cooperate with agencies and departments of the federal government and of the state
 31 by supplying consultant services in medical and hospital programs and in the health
 32 aspects of civil defense;

33 (7) Detect and relieve physical defects and deformities and provide treatment for mental
 34 and emotional disorders and infirmities;

35 (8) Promote the prevention, early detection, and control of problems affecting the dental
 36 health of the citizens of Georgia;

1 (9) Contract with county boards of health to assist in the performance of services
 2 incumbent upon them under Chapter 3 of this title and, in the event of grave emergencies
 3 of more than local peril, to employ whatever means may be at its disposal to overcome
 4 such emergencies;

5 (10) Contract and execute releases for assistance in the performance of its functions and
 6 the exercise of its powers and to supply services which are within its purview to perform;

7 (11) Enter into or upon public or private property at reasonable times for the purpose of
 8 inspecting same to determine the presence of disease and conditions deleterious to health
 9 or to determine compliance with health laws and rules, regulations, and standards
 10 thereunder;

11 (12) Promulgate and enforce rules and regulations for the licensing of medical facilities
 12 wherein abortion procedures under subsections (b) and (c) of Code Section 16-12-141 are
 13 to be performed; and, further, to disseminate and distribute educational information and
 14 medical supplies and treatment in order to prevent unwanted pregnancy; ~~and~~

15 (13) Establish, by rule adopted pursuant to Chapter 13 of Title 50, the 'Georgia
 16 Administrative Procedure Act,' a schedule of fees for laboratory services provided,
 17 schedules to be determined in a manner so as to help defray the costs incurred by the
 18 department, but in no event to exceed such costs, both direct and indirect, in providing
 19 such laboratory services, provided no person shall be denied services on the basis of his
 20 inability to pay. All fees paid thereunder shall be paid into the general funds of the State
 21 of Georgia. The individual who requests services authorized in this Code section shall
 22 pay the fee. As used in this Code section, the term 'individual' means a natural person.;

23 (14) Serve as the lead planning agency for all health issues in the state to remedy the
 24 current situation wherein the responsibility for health care policy, purchasing, planning,
 25 and regulation is spread among many different agencies;

26 (15) Permit the state to maximize its purchasing power;

27 (16) Minimize duplication and maximize administrative efficiency in the state's health
 28 care systems by removing overlapping functions and streamlining uncoordinated
 29 programs;

30 (17) Allow the state to develop a better health care infrastructure that is more responsive
 31 to the consumers it serves while improving access to and coverage for health care; and

32 (18) Focus more attention and departmental procedures on the issue of wellness,
 33 including diet, exercise, and personal responsibility.

34 (b) In addition to its other powers, duties, and functions, the department:

35 (1) Shall be the lead agency in coordinating and purchasing health care benefit plans for
 36 state and public employees, dependents, and retirees and may also coordinate with the

1 Board of Regents of the University System of Georgia for the purchase and
2 administration of such health care benefit plans for its members, employees, dependents,
3 and retirees;

4 (2) Is authorized to plan and coordinate medical education and physician workforce
5 issues;

6 (3) Is authorized to convene at least quarterly a state agency coordinating committee
7 composed of the commissioners, directors, chairpersons, or their designees, of the
8 following agencies involved in health related activities: the Department of Juvenile
9 Justice, the Department of Corrections, the Insurance Department, the State Merit System
10 of Personnel Administration, the State Board of Workers' Compensation, and the
11 Governor's Office of Planning and Budget. The Board of Regents of the University
12 System of Georgia may also designate a person to serve on the coordinating committee.
13 The committee shall convene for the purposes of planning and coordinating health issues
14 that have interagency considerations. The commissioner of the department shall serve as
15 the chairperson of the state agency coordinating committee and will report to the
16 Governor the activities, findings, and recommendations of the committee;

17 (4) Shall investigate the lack of availability of health insurance coverage and the issues
18 associated with the uninsured population of this state. In particular, the department is
19 authorized to investigate the feasibility of creating and administering insurance programs
20 for small businesses and political subdivisions of the state and to propose cost-effective
21 solutions to reducing the numbers of uninsured in this state;

22 (5) Shall study and recommend any additional functions needed to carry out the purposes
23 of the department, including the creation of a consumer medical advocate;

24 (6) Is authorized to appoint a health care work force policy advisory committee to
25 oversee and coordinate work force planning activities;

26 (7) Is authorized to solicit and accept donations, contributions, and gifts and receive,
27 hold, and use grants, devises, and bequests of real, personal, and mixed property on
28 behalf of the state to enable the department to carry out its functions and purposes; and

29 (8) Is authorized to award grants, as funds are available, to hospital authorities and
30 hospitals for public health purposes, pursuant to Code Sections 31-7-94 and 31-7-94.1.

31 (c) The Board of Regents of the University System of Georgia is authorized to contract
32 with the Department of Health for health benefits for members, employees, and retirees of
33 the board of regents and the dependents of such members, employees, and retirees and for
34 the administration of such health benefits. The Department of Health is also authorized to
35 contract with the board of regents for such purposes."

SECTION 5-2.

Chapter 5A of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Community Health, is repealed.

SECTION 5-3.

Code Section 31-6-48 of the Official Code of Georgia Annotated, relating to the abolishment of prior units relative to state health planning and development, is revised as follows:

"31-6-48.

The State Health Planning and Development Agency, the State-wide Health Coordinating Council, and the State Health Planning Review Board existing immediately prior to July 1, 1983, are abolished, and their respective successors on and after July 1, 1983, shall be the Health Planning Agency, the Health Policy Council, and the Health Planning Review Board, as established in this chapter, except that on and after July 1, 1991, the Health Strategies Council shall be the successor to the Health Policy Council and except that on and after July 1, 1999, the Department of Community Health shall be the successor to the Health Planning Agency, and except that on and after July 1, 2007, the Department of Health shall be the successor to the Department of Community Health. For purposes of any existing contract with the federal government, or federal law referring to such abolished agency, department, council, or board, the successor department, council, or board established in this chapter or ~~in Chapter 5A of this title~~ Chapter 2 of Title 49 shall be deemed to be the abolished agency, department, council, or board and shall succeed to the abolished agency's, department's, council's, or board's functions. The State Health Planning and Development Commission is abolished."

SECTION 5-4.

Code Section 31-6-49 of the Official Code of Georgia Annotated, relating to transitional provisions relative to state health planning and development, is revised as follows:

"31-6-49.

All matters transferred to the Health Strategies Council and the Health Planning Review Board by the previously existing provisions of this Code section and that are in effect on June 30, 1999, shall automatically remain in such council or board on and after July 1, 1999, until otherwise disposed of. All matters transferred to the Health Planning Agency by the previously existing provisions of this Code section and that are in effect on June 30, 1999, shall automatically be transferred to the Department of Community Health on July 1, 1999, and except that on and after July 1, 2007, shall automatically be transferred to the Department of Health."

SECTION 5-5.

Code Section 49-2-1 of the Official Code of Georgia Annotated, relating to the creation of the Department of Human Resources and the position of commissioner of human resources, is revised as follows:

"49-2-1.

(a) There is created a Department of Human Resources the Department of Health on July 1, 2007. The Department of Health shall be a successor agency to, continuation of, and combination of the former Department of Human Resources and the former Department of Community Health. There is also created the position of commissioner of ~~human resources~~ health. The commissioner shall be the chief administrative officer of the department and be both appointed and removed by the board, subject to the approval of the Governor. Subject to the general policy established by the board, the commissioner shall supervise, direct, account for, organize, plan, administer, and execute the functions vested in the department.

(b) All persons employed by either the Department of Human Resources or the Department of Community Health on June 30, 2007, shall, on July 1, 2007, become employees of the department. Such employees shall be subject to the employment practices and policies of the department on and after July 1, 2007, but the compensation and benefits of such transferred employees shall not be reduced as a result of such transfer. Employees who are subject to the rules of the State Personnel Board and thereby under the State Merit System of Personnel Administration and who are transferred to the department shall retain all existing rights under the State Merit System of Personnel Administration. Retirement rights of such transferred employees existing under the Employees' Retirement System of Georgia or other public retirement systems on June 30, 2007, shall not be impaired or interrupted by the transfer of such employees and membership in any such retirement system shall continue in the same status possessed by the transferred employees on June 30, 2007. Accrued annual and sick leave possessed by said employees on June 30, 2007, shall be retained by said employees as employees of the department. The commissioner is authorized to transfer department employees from one division to another division within the department.

(c)(1) The department shall conform to federal standards for a merit system of personnel administration in any respects necessary for receiving federal grants, and the board is authorized and empowered to effect such changes as may, from time to time, be necessary in order to comply with such standards.

(2) The department is authorized to employ, on a full-time or part-time basis, such medical, supervisory, institutional, and other professional personnel and such clerical and

1 other employees as may be necessary to discharge the duties of the department under this
 2 title. The department is also authorized to contract for such professional services as may
 3 be necessary.

4 (3) Classified employees of the department under this chapter shall in all instances be
 5 employed and dismissed in accordance with rules of the State Personnel Board.

6 (4) All personnel of the department are authorized to be members of the Employees'
 7 Retirement System of Georgia as provided in Chapter 2 of Title 47. All rights, credits,
 8 and funds in that retirement system which are possessed by state personnel transferred
 9 by provisions of this chapter to the department, or otherwise had by persons at the time
 10 of employment with the department, are continued and preserved, it being the intention
 11 of the General Assembly that such persons shall not lose any rights, credits, or funds to
 12 which they may be entitled prior to becoming employees of the department.

13 (d) The department shall succeed to all rules, regulations, policies, procedures, and
 14 administrative orders of the Department of Human Resources or the Department of
 15 Community Health which were in effect on June 30, 2007, or scheduled to go into effect
 16 on or after July 1, 2007, and which relate to the functions transferred to the department.
 17 Such rules, regulations, policies, procedures, and administrative orders shall remain in
 18 effect until amended, repealed, superseded, or nullified by proper authority or as otherwise
 19 provided by law. Rules of the department shall be adopted, promulgated, and implemented
 20 as provided in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Only
 21 the Division of Health Planning shall be subject to the provisions of Code Section
 22 31-6-21.1.

23 (e) The rights, privileges, entitlements, and duties of parties to contracts, leases,
 24 agreements, and other transactions entered into before July 1, 2007, by the Department of
 25 Human Resources or the Department of Community Health shall continue to exist; and
 26 none of these rights, privileges, entitlements, and duties are impaired or diminished by
 27 reason of the transfer of the functions to the department. In all such instances, the
 28 Department of Health shall be substituted for the predecessor agency, and the Department
 29 of Health shall succeed to the rights and duties under such contracts, leases, agreements,
 30 and other transactions."

31 **SECTION 5-6.**

32 Code Section 49-2-2 of the Official Code of Georgia Annotated, relating to the creation of
 33 the Board of Human Resources, is revised as follows:

1 "49-2-2.

2 (a) There is created a Board of ~~Human Resources~~ Health on July 1, 2007, which shall
3 establish the general policy to be followed by the Department of ~~Human Resources~~ Health
4 created by Code Section 49-2-1 and which shall be a successor to, continuation of, and
5 combination of the Board of Human Resources and the Board of Community Health as
6 they existed on June 30, 2007. The Board of Human Resources and the Board of
7 Community Health which existed June 30, 2007, are abolished July 1, 2007, and no person
8 shall be appointed to either board on or after July 1, 2007. The board shall consist of one
9 member from each congressional district in the state and four at-large members appointed
10 by the Governor and confirmed by the Senate. ~~For this purpose, the congressional districts~~
11 ~~used shall be those specified in Code Section 21-1-2, as amended by Act No. 2EX11 of the~~
12 ~~second extraordinary 2001 session of the General Assembly and as thereafter amended by~~
13 ~~law. Seven members of the board shall be engaged professionally in rendering health~~
14 ~~services, and at least five of these seven members shall be licensed to practice medicine~~
15 ~~pursuant to Chapter 34 of Title 43.~~ In appointing members to the board, the Governor shall
16 take into account to the extent practicable all areas and functions encompassed by the
17 department.

18 (b) The Governor shall designate the initial terms of the members of the board as follows:
19 three members shall be appointed for one year; three members shall be appointed for two
20 years; three members shall be appointed for three years; three members shall be appointed
21 for four years; and the remaining members shall be appointed for five years. Thereafter,
22 all succeeding appointments shall be for five-year terms from the expiration of the previous
23 term.

24 (c) Vacancies in office shall be filled by appointment by the Governor in the same manner
25 as the appointment to the position on the board which becomes vacant, and the appointment
26 shall be submitted to the Senate for confirmation at the next session of the General
27 Assembly. An appointment to fill a vacancy, other than by expiration of a term of office,
28 shall be for the balance of the unexpired term.

29 (d) There shall be a ~~chairman~~ chairperson of the board, elected by and from the
30 membership of the board, who shall be the presiding officer of the board.

31 (e) Those members engaged in rendering health services shall comprise no more than
32 seven members of the total membership of the board.

33 (f) The members of the board shall receive per diem and expenses as shall be set and
34 approved by the Office of Planning and Budget and in conformance with rates and
35 allowances set for members of other state boards."

SECTION 5-7.

Code Section 49-2-3 of the Official Code of Georgia Annotated, relating to functions transferred to the Board of Human Resources from other boards, is revised as follows:

"49-2-3.

(a) ~~Reserved.~~ As of July 1, 2007, all functions of the Board of Human Resources and the Board of Community Health as they existed on June 30, 2007, are vested in the Board of Health.

(b) The policy-making functions of the State Board for Children and Youth, contained in Ga. L. 1963, p. 81, are vested in the Board of ~~Human Resources~~ Health.

(c) The policy-making functions of the Commission on Aging, created in Ga. L. 1962, p. 604, are vested in the Board of ~~Human Resources~~ Health."

SECTION 5-8.

Code Section 49-2-4 of the Official Code of Georgia Annotated, relating to creation of divisions in the Department of Human Resources, is revised as follows:

"49-2-4.

(a) There shall be created in the department such divisions as may be found necessary for its effective operation. The commissioner shall have the power to allocate and reallocate functions among the divisions within the department.

(b) The divisions of the department shall include, but not be limited to:

(1) The Division of Health Planning;

(2) The Division of Medical Assistance;

(3) The Division of Public Employee Health Benefits; and

(4) Such other divisions as the board may establish within the department.

(c)(1) There is created in the department the Office of Women's Health. Attached to the office shall be an 11 member advisory council. The members of the advisory council shall be appointed by the Governor, shall be representative of major public and private agencies and organizations in the state, and shall be experienced in or have demonstrated particular interest in women's health issues. Each member shall be appointed for two years and until his or her successor is appointed. The members shall be eligible to succeed themselves. The council shall elect its chairperson from among the councilmembers for a term of two years. The Governor may name an honorary chairperson of the council.

(2) The Office of Women's Health shall serve in an advisory capacity to the Governor, the General Assembly, the board, the department, and all other state agencies in matters relating to women's health. In particular, the office shall:

1 (A) Raise awareness of women's nonreproductive health issues;

2 (B) Inform and engage in prevention and education activities relating to women's
 3 nonreproductive health issues;

4 (C) Serve as a clearing-house for women's health information for purposes of planning
 5 and coordination;

6 (D) Issue reports of the office's activities and findings; and

7 (E) Develop and distribute a state comprehensive plan to address women's health
 8 issues.

9 (3) The Office of Women's Health shall have a full-time executive director appointed
 10 by the commissioner and shall be provided with staff personnel, office and meeting
 11 facilities, and other necessary items by the department. The council shall meet upon the
 12 call of its chairperson, the board, or the commissioner."

13 SECTION 5-9.

14 Code Section 49-2-7 of the Official Code of Georgia Annotated, relating to functions, duties,
 15 and authority transferred to the Department of Human Resources from other state agencies,
 16 is revised as follows:

17 "49-2-7.

18 (a) The functions, duties, and authority of the Board of Public Welfare, established by Ga.
 19 L. 1919, p. 222, as amended, as transferred and vested in the Board of Control of
 20 Eleemosynary Institutions by Ga. L. 1931, p. 7, Section 44A, are vested in the Department
 21 of ~~Human Resources~~ Health.

22 (b) The functions, duties, and authority of the Department of Family and Children
 23 Services, created in Ga. L. 1937, p. 355, as amended, are vested in the Department of
 24 ~~Human Resources~~ Health.

25 (c) The functions of the State Board for Children and Youth, created in Ga. L. 1963, p. 81,
 26 except for the policy-making functions transferred to the Board of ~~Human Resources~~
 27 Health, are vested in the Department of ~~Human Resources~~ Health.

28 (d) ~~Reserved.~~

29 (e) The functions, duties, and authority of the State Commission on Aging, created in Ga.
 30 L. 1962, p. 602, except the policy-making functions transferred to the Board of ~~Human~~
 31 ~~Resources~~ Health, are vested in the Department of ~~Human Resources~~ Health.

32 (e) As of July 1, 2007, all functions of the Department of Human Resources and the
 33 Department of Community Health as they existed on June 30, 2007, are transferred to the
 34 Department of Health.

SECTION 5-10.

Code Section 49-4-143 of the Official Code of Georgia Annotated, relating to the power of the Board of Community Health, is revised as follows:

"49-4-143.

~~The Board of Community Health established under Chapter 5A of Title 31 is empowered to establish the general policy to be followed by the department. The Board of Medical Assistance which existed June 30, 1999, is abolished July 1, 1999, and no person shall be appointed to such board on or after July 1, 1999.~~ Reserved.

SECTION 5-11.

Code Section 49-4-144 of the Official Code of Georgia Annotated, relating to the power of the commissioner of community health, is revised as follows:

"49-4-144.

~~The commissioner of community health established under Chapter 5A of Title 31 shall be the chief administrative officer of the department and, subject to the general policy established by the board, shall supervise, direct, account for, organize, plan, administer, and execute the functions vested in the department.~~ Reserved.

SECTION 5-12.

Code Section 49-4-154 of the Official Code of Georgia Annotated, relating to the powers and duties retained by the Department of Human Resources, is revised as follows:

"49-4-154.

(a) The status, position, and rights of persons transferred from the Department of Human Resources, now known as the Department of Health, to the Department of Medical Assistance pursuant to Ga. L. 1977, p. 384 shall not be affected by the transfer, in and of itself; and such persons shall retain, inter alia, all rights of rank or grade; rights to vacation, sick pay, and leave; rights under any retirement plan; and any other rights under any law or administrative policy.

(b) The Department of Health, as successor to the Department of Human Resources, shall retain, in accordance with terms of the state plan, the functions, and all tangible things and employees relating thereto, of:

(1) Establishing and maintaining certain standards for certain institutions and agencies seeking to become or remain providers and shall finally determine and certify whether such institutions and agencies meet such standards;

(2) Determining and certifying the eligibility of certain applicants for and recipients of medical assistance; and

1 (3) Prescribing regulations to require that applicants for medical assistance be given clear
 2 and easily understandable notice that all books, papers, records, and memoranda of the
 3 provider relating to the provision of medical assistance to the applicant will be made
 4 available, upon request, to the commissioner of medical assistance or his representative
 5 and that, by accepting medical assistance, the applicant thereby consents to the providing
 6 of such books, papers, records, and memoranda to the commissioner of medical
 7 assistance or his representative."

8 **SECTION 5-13.**

9 Code Section 49-4-155 of the Official Code of Georgia Annotated, relating to the
 10 Department of Community Health succeeding to existing rules, regulations, policies,
 11 procedures, and administrative orders, is revised as follows:

12 "49-4-155.

13 The Department of ~~Community~~ Health shall succeed to all the rules, regulations, policies,
 14 procedures, and administrative orders of the Department of Human Resources and the
 15 Department of Community Health as are in effect on June 30, 2007, transferred to the
 16 ~~Department of Medical Assistance pursuant to the previously existing provisions of this~~
 17 ~~Code section and that are in effect on June 30, 1999,~~ and shall further succeed to any rights,
 18 privileges, entitlements, obligations, and duties of the Department of Human Resources and
 19 the Department of Community Health that are in effect on June 30, 1999 2007, to which
 20 the ~~Department of Medical Assistance succeeded pursuant to the previously existing~~
 21 ~~provisions of Code Section 49-4-156."~~

22 **PART VI**

23 **Effective dates and repealer.**

24 **SECTION 6-1.**

25 This Act shall become effective July 1, 2007.

26 **SECTION 6-2.**

27 All laws and parts of laws in conflict with this Act are repealed.